TELOS

NUMBER 114 WINTER 1999

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Introduction

Every age has its hierarchy of crimes, and the present one is no exception. Today, "racism" must be at the top of the list, or very close to it, even though only a few generations ago it may hardly have made an appearance. Does this mean there was no racism then? Is it a case of sudden enlightenment? Or could this dubious distinction be symptomatic of something else? To accommodate this alleged new sensibility, an altogether new category of crimes has been created: "hate crimes," whose imputed despicableness now competes with that of the worst expressions of evil. Regardless of how terrible racism may be, its sudden rise in the infamy scale calls for an explanation — especially since recent efforts to eradicate it do not seem to have resulted in any significant decline in its occurrence. Although the Civil Rights Movement led to the elimination of segregation and most institutional forms of discrimination, more subtle manifestations of racism, if anything, seem to be increasing.

Such a paradoxical state of affairs seems to have been triggered by the new hyper-awareness of racist practices and their increased legal interdiction. The more racism is pushed out of the front door, the more it returns through the back door. From this, one could infer either that people are hopelessly racist and no amount of legislation is ever going to change their attitudes, or that attempts to social-engineer people into political correctness backfire and often result in precisely the opposite of what they were intended to accomplish. Thus, far from ushering in racial and gender equality, affirmative action has tended to cast suspicion on all women and minorities in the workplace on the assumption that their positions may be related to race and gender rather than proper qualifications. Whatever the case, it is clear not only that the hyper-moralization of both "racism" and "anti-racism" has been matched by an almost proportionate loss of whatever clear analytical clout they may once have had. Surprisingly, they seem to have been both instrumentalized as the rationale to further social-engineer society through ever more legislation and bureaucratic practices. The counterproductive results of this strategy, in turn, engender even more regulations, to the point that there is no longer any clear "politically correct" behavioral standard. Thus, it is obviously racist to

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consider race as a factor in employment, but it is even more racist if this color-blindness results in the under-representation of blacks in the workplace.

This is why Alain de Benoist's systematic re-examination of the concept of "racism" in "What is Racism?" helps clarify a number of perplexing contradictions associated with the concept. His reconstruction of various versions of "racism" and its uses demonstrate that today racism remains embroiled in the previously mentioned paradoxical predicament: one can be accused of being "racist" for taking either racist or anti-racist positions. The old and long since discredited "separate, but equal" segregationist view was debunked by the Civil Rights Movement as terminally racist — a crude ploy to perpetuate *de facto* inequality and the subjugation of blacks. Shortly after the passage of the Civil Rights Act to rectify whatever residual segregation remained embedded in the institutional framework, however, the standard Civil Rights position of advocating color-blindness in social life was itself charged with racism, in that it tended to destroy the cultural particularity of minorities by seeking to transform them into carbon copies of the predominant majority. If the contradictory objectives of vindicating cultural particularity and obliterating differences can be equally racist and anti-racist, the concept of "racism" becomes blurred and fades into the intractable domain of subjective personal attitudes. It degenerates into a political slogan whose real meaning varies from context to context, depending on who employs it, against whom, and why. As such, despite the fact that racist sentiments remain deeply buried within individual psyches, and thus beyond the reach of administrative remedies, the concept itself can function as a convenient managerial tool whose effectiveness is almost proportionate to whatever moral opprobrium can be deployed against it.

This old Parmenidean dialectic of the same and the other reappears with similar ambiguities on the international level, where homogenization on the basis of race, class, etc. not only has resulted in the major catastrophes of the 20th century — Auschwitz and the Gulag — but continues to hound current geo-political realities in the form of ethnic or class cleansing in Bosnia, Rwanda, Cambodia, Tibet, etc., where longings for cultural particularity and local autonomy have been brutally repressed. Despite the immense human toll already exacted, there does not seem to be any end in sight. It is now only a matter of time before the next Chechnya, Kurdistan or Armenia makes the front pages of the world's leading newspapers with spectacular disasters not readily amenable to easy solutions.

Here the "civil rights" approach, generalized in an international framework as "human rights," the legalistic-isolationist solution sanctifying national borders and undifferentiated defenses of cultural particularity within irreversibly heterogeneous societies, turns out to be equally useless, as can

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be seen in most intellectuals' current responses to the Kosovo crisis. The ideological ghosts from the past return to justify the new barbarities and, under the guise of anti-Americanism (whatever the US does is always *a priori* wrong), anti-imperialism (ulterior economic motives must never be supported), or standard isolationism (it is *their* damned business), to legitimate the "beautiful souls" of official do-nothing "dissidents" waiting for their turn to take power. The hastily-organized "Symposium on the Kosovo Crisis" in this issue tries to provide a sense of perspective to a debate obfuscated by the uncritical deployment of template approaches to unprecedented developments irreducible to "ordinary imperialism."

Of course, ethnic or class cleansing is nothing new. Yet, the relation between the two, not only on the *conceptual* level, as part of the same project of demographic homogenization by exiling, marginalizing or exterminating those belonging to the wrong race, minority or class, but also on the *political* level, as the inherent affinity and overlooked collaboration between this century's most murderous regimes, Nazism and Stalinism, has not received the kind of attention it deserves. Gerd Koenan's reconstruction of this relation, through a re-examination of anti-fascism and anti-Bolshevism in the interwar period, throws new light on the nature of both Nazism and Bolshevism as well as on their cynical attempts to manipulate each other.

Until recently, reconstructions of this kind have been difficult. Although Nazi documents have long been available, the inaccessibility of their Soviet counterpart has made the task one-sided and therefore somewhat speculative. However, since the fall of the Soviet Union and the opening of hitherto secret archives, it is finally possible to reconstruct accurately the history of the period and of the most brutal instances of class cleansing. Thus, e.g., what really happened in the Katyn forest to the thousands of Polish officers in Soviet custody has long been known, but it has not been possible to write an accurate history, precisely because of the inaccessibility of relevant Soviet documents. Having studied the newly released material, in this issue Victor Zaslavsky provides the definitive account of one of WWII's most barbaric events.

Unfortunately, such a careful reconstruction is re-packaged as an instance of totalitarian practice, as if such an arbitrary subsumption could contribute in any way to explain it. What could possibly be gained by patching the "totalitarian" label on the Katyn massacre? History is full of events of this kind. The Turks wiped out the Armenians, the ancient Romans as a rule used to exterminate whole populations, etc. What was novel in Katyn and Auschwitz, in addition to the particular discriminating principles of race and class, was the high level of organization and the deployment of the latest technology to carry out the task most effectively, which explains the much higher number of victims. But there is nothing inherently "totalitarian" about either the organization or

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the deployment of technology. In this case, the Hegelian dialectic is of no help. The much greater number of victims does not result in a change from quantity to quality: the fate of the German Jews who died in Auschwitz is not qualitatively different from that of any of the Armenians slaughtered by the Turks, or of the Kosovars shot by the Serbs, etc. Unimaginable as the systematic and cold-blooded killing of millions of people might be, it is really the result of the application to genocide and class-annihilation of the very same industrial logic that led from handicraft to the assembly-line.

Similarly, there is nothing inherently "totalitarian" about the fact that the criterion for extermination was the particular ethnic, racial or economic category to which the victims belonged. The demonization of a particular ethnic group, race or class is a function of the systems of beliefs which, before modernity, took the form of religion and, after, of ideology. It is not logically inconceivable that an overwhelming majority of a polity may *democratically* decide to, e.g., burn some witches, or cleanse society of racially impure subjects. What if 99% of the Serbs decided to annihilate the Kosovars or simply throw them out of Kosovo? Would that be a run-of-the-mill democratic practice?

This is not idle speculation. The democratic destruction of liberal ideals is not only a perfectly feasible possibility, but something that is already happening in some of the darker corners of the world, and it is likely to become more widespread in the 21st century with the increase, in liberal terminology, of "fundamentalist" reactions, which really boils down to an adherence to particular values different from "politically correct" ones. In such contexts, the concept of "totalitarianism" is of no use other than as part of an obsolete ideology of the Cold War deployed by default, in the absence of anything better with which to demonize the new enemy. There is absolutely nothing totalitarian about the Serbs' "democratic" cleansing of the Kosovars.

The barbarities of Nazism, Stalinism and of all the post-WWII tin-horn dictators, from Idi Amin to Milosevic, cannot be dismissed merely as the totalitarian practices of presumably power-hungry despots mysteriously able to convince masses of otherwise intelligent people to follow them. Besides taking into account the various historical contingencies contributing to the establishment of these regimes, it is essential to understand them as coherent worldviews. Here modernity and the Enlightenment, as particular worldviews presenting themselves as universally valid, are crucial, since they represent the 20th century's most powerful forces, in relation to which practically all of these regimes have defined themselves as, e.g., National Socialism, by attempting to reverse their logic, or Marxism-Leninism, by attempting to accelerate their "progress." Totalitarianism, if anything, is the Promethean pretense that reality and humanity can be refashioned in accordance with a particular plan, whether it takes the form of a hyper-rationalism, a theory of

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racial superiority, or a vision of ethnic homogeneity. To construct a general concept of totalitarianism on the basis of a particular regime and its "internal policies aspiring at maximum control as well as social and ethnic homogenization . . . linked inextricably with . . . aggressive foreign policies focused on empire building and world domination" is to unwarrantedly hypostatize some empirical features of the Soviet system to the level of a general theory which, nonetheless, explains nothing either about Nazism or Stalinism, or future regimes with similar murderous propensities.

Any account pretending to go behind mere descriptions of events buried along with other 20th century coffins will have to inquire into a general meta-theory of culture such as prefigured, but never completed, by the Frankfurt School in the early days of the Institute's exile. This is not the place to recycle their well-known critique of the Enlightenment. At any rate, Zaslavsky's speculations that the meta-theoretical project prefigured in Adorno and Horkheimer's *Dialectic of Enlightenment* was abandoned altogether because, presumably, the authors were seduced by the comforts of the American way of life, are as arbitrary as his concept of "totalitarianism." The project was only suspended, because the two authors could not complete it and were very worried about where it *seemed* to lead. This is supported not only by the fact that they left the "comforts" of the US as soon as Germany could take them back, but throughout the rest of their lives they sought unsuccessfully to reconcile their critique of enlightenment with some form of modernity.

The ideological character of Zaslavsky's concept of totalitarianism transpires as crude materialism, not only when it recycles the old Cold War saw about disgruntled intellectuals comfortably criticizing liberalism from New York, rather than chafing under "totalitarianism" in some Third World dungeon in, e.g., Pyongyang, but also in the arbitrary distinction between system-building and system-maintenance to explain the post-Stalinist "normalization" of Soviet life. Zaslavsky apparently has still not come to terms with the sudden collapse of the Soviet Union which, up to the very end, he and scores of other certified Kremlinologists considered to be out of the question — presumably because of the immense amount of material resources at the Soviet leadership's disposal. Accordingly, the system collapsed "at its system maintenance stage," because of "a systemic decay provoked by the self-destructive character of its military-driven modernization and the anti-innovative aspects of its socio-economic system." But if it was simply a matter of "decay," Zaslavsky would have been right the first time, and the system could have gone on decaying for a very long time, pending the exhaustion of Siberian gas, oil reserves, etc. There was no chance for the Soviet Union to compete effectively with the US in a new arms race. Yet, if the orthodox interpretation of the USSR had been anywhere close to the mark, even in a losing effort, the

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military mobilization could have kept the system chugging along through most of the 21st century — precisely as official Sovietologists had predicted.

Had Zaslavsky applied the much more viable category of dictatorship, both in its "commissarial" and "sovereign" version, he would have realized that in the late 1940s, already in the last years of Stalin's rule, the system had lost whatever teleology it may still have had (communism, classless society, etc.), which had hitherto legitimated its "commissarial dictatorship."[1] Without such a teleology to justify the general level of suffering and deprivation, the Communist Party lost whatever legitimacy it still had and its rule deteriorated into a run-of-the-mill, decadent "sovereign" dictatorship — the stage of stagnation typical of the Brezhnev regime, but already prefigured much earlier. It was the disappearance of the teleological dimension that precipitated the general state of disintegration, sapped the will required to innovate the system, and thus prevented any shift from a labor-intensive to a high-tech economy. No society predicated on corruption, nihilism and lies can last very long, and Gorbachev's attempts to reorganize the system only weakened the last few remaining repressive mechanisms that still managed to contain the growing number of internal conflicts. This is why only those who read Soviet realities from the viewpoint of a critical social theory predicated on the primacy of a consensus concerning fundamental values could foresee the real inner weaknesses of Soviet society and rule out the kind of indefinite stagnation predicted by official liberal Sovietology.

Why hold on to indefensible empirical generalizations such as "system maintenance" and "totalitarianism," when much better analytical tools have long been available? The answer may lay in a misguided attempt to recycle long-defunct Kremlinology as "totalitarianism studies," thus saving the jobs of scores of former Sovietologists. If totalitarianism is a viable category and totalitarian systems can go on indefinitely, then it may make sense to redeploy unemployed Sovietologists to study its dynamics and possible weaknesses. If there is such a thing as "totalitarianism" as Zaslavsky and other Sovietologists describe it, and it can be kept in check only "as long as liberal democracies can keep control over arms of mass extermination," then it is essential to study it thoroughly by, e.g., carefully dissecting how the old Soviet regime functioned and reproduced itself. Thus, speculation about totalitarian "system maintenance" is really a work-program for unemployed former Kremlinologists.

To see the post-Stalinist USSR as a sovereign dictatorship rather than as a stable totalitarianism in its "system-maintenance" stage presupposes that all

1. For an argument along these lines, well before the USSR's final collapse, indicating why the system could not be reconstructed in terms of Gorbachev's vision, precisely because the dictatorship had long since entered its "sovereign phase," see Paul Piccone "Paradoxes of *Perestroika*," in *Telos* 84 (Summer 1990), pp. 3-32.

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wannabe totalitarian regimes are inherently unstable, since they have no way to legitimate themselves other than by means of repressive measures, and that a viable consensus can be built only on a collectively-shared eschatological framework — rather than what Zaslavsky earlier described as a "Stalinist consensus" based solely on the system's ability "to bring home the bacon." Such an approach, however, may do too good of a job: it ends up demonstrating not only the inevitable demise of any tendentially "totalitarian" system, but of liberal ones as well. After all, as in the case of disintegrating sovereign dictatorships, today's liberalism also eschews any overt eschatological framework and seeks to legitimate itself along purely procedural, deontological lines, pretending to reject all particular values, which it relegates to the private sphere. An analysis of the Soviet regime during its stagnation phase as a sovereign dictatorship, therefore, would have unpalatable implications for "liberal democracies" — despite all the civil liberties, widespread prosperity and MTV New York intellectuals may enjoy, as compared to the constant harassment suffered by any dissidents still alive in Pyongyong's slums.

The old apologetic habits of professional Sovietologists resurface when Zaslavsky, having uncritically bought into liberal democracy as this, the best of all possible societies, demonizes any criticisms of it for coming "close to justifying such fundamentalist reactions to liberal democracy as the Oklahoma bombing" — a terrorist act presumably triggered by the US government's curtailing of religious freedom at Waco, Texas, exactly a year earlier. Liberal democracy is presumably great because, not only does it provide ample quantities of "bread and circuses," but also because it allows criticism. Yet, as in the old Soviet Union, whose constitution was the world's most liberal, but only on paper, for Zaslavsky criticism of liberal democracy is permissible, but only in principle — lest the critic is blamed for complicity in mass murder. One can take dissidents out of democratic centralism but not democratic centralism out of former dissidents.

The dogmatic character of liberal democracy — a theoretical oxymoron, since liberalism and democracy are ultimately incompatible — is more fully exposed in David L. Williams' careful examination of the theories of two of liberalism's most shrewd defenders, James S. Fishkin and Jürgen Habermas, in his article on "Dialogical Theories of Justice." Contrary to popular perception, the legitimacy of liberalism today is not predicated on a democratic mandate, but on its metaphysical neutrality and necessity, i.e., on the fact that it claims to take no particular position and to follow necessarily from apodictic presuppositions. As Williams shows, however, a rigorous analysis of these claims reveals their untenability, and accuses their defenders of dogmatism and deception. When all is said and done, far from being above the fray, liberalism is but another garden variety ideology pretending, like all traditional

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belief systems, to be the one and only true outlook, no longer because of any divine grounding, but in virtue of a secular equivalent.

If there are no ultimate ironclad guarantees, and political structures, along with all other human constructions, are never perfect, it may make sense to keep them within reach and under as much control as possible. The genius of the American system was precisely that it never lost sight of this inescapable predicament. The drafting of the US Constitution could be described as an unprecedented attempt to figure out the best way to deal with this problem. That it has lasted so long and served its constituents so well testifies to the success of the effort. As Marco Bassani argues in "Jefferson, Calhoun and State's Rights: The Uneasy Europeanization of American Politics," however, the grand experiment was ultimately unable to resist the lure of European ideas. Well before what he calls the unsuccessful "War for Southern Independence," the federalism that was meant to guarantee the dispersal of power and, therefore, the maximum possible freedom, was undermined by the concept of "sovereignty." The result, ratified by the outcome of "the War for Southern Independence," has been the systematic obliteration of federalism and the gradual deterioration of the American system toward that same national model that has been and remains one of Europe's main political handicaps.

Despite the fact that today it is generally acknowledged that the traditional 19th century nation-state is on its last leg and projects such as the European Union were meant from the very beginning to provide a viable alternative, particular political interests within each of its member states conspire to turn it into a mere club of the very same nation-states it was supposed to transcend. All talk of reform, following the collapse of the Soviet Union and the prospects for a New World Order that would not have been a mere economic clearing-house for multinational capitalism, seems to have dissipated into grudging acknowledgments of a collective political paralysis. The Kosovo fiasco, with the American bungling of negotiations and bombing strategies in the face of European indifference and general reluctance to retool itself for the next millennium, testifies to a collective failure. For all its faults and the fatal flaw of being run by a dictatorial communist party-state, Tito's "federation" stayed together and, compared to what eventually replaced it, retrospectively it appears as a paradigm of peace and tranquillity. No Milosevic would have ever been possible, nor could he have dreamed to do what he has done, had Yugoslavia remained a federation and, rather than become more centralized, further decentralized power. Thus, the 21st century seems to promise nothing better than a repetition of the same mistakes of the 20th. The only consolation is that, in all probability, American casualties will be minimal.

Paul Piccone

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*What is Racism?**

Alain de Benoist

Fighting racism requires knowing what it is — not an easy task. Today the word "racism" has so many contradictory meanings that it takes on the aura of a *myth* and is, therefore, difficult to define. The following will attempt to define racist ideology, independently of any sociological considerations. The first difficulty arises from the fact that racism is a *Schimpfwort*: a term with pejorative connotations, whose very use inevitably tends to be more *instrumental* than descriptive. Deploying the adjective "racist" involves using a powerful epithet. It can be a smear designed to disqualify those at whom the term is addressed. To call someone a racist, even if the charge is intellectually dishonest, can be a useful tactic, either in successfully paralyzing or in casting enough suspicion as to curtails credibility. Such an approach is commonplace in everyday controversies. On the international level, the term can acquire a significance and weight that does not hide its real nature and purpose.[1] Because of a certain affinity, "racism" can be used as the correlate of a whole series of other terms: fascism, the extreme Right, anti-Semitism, sexism, etc. Today, the almost ritualistic recitation of these terms often implies that they are all synonyms and that any one falling into one of these categories automatically belongs to all of them. The end result is to reinforce the vagueness of the term and to discourage meaningful analysis.

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* Translated by Francis J. Greene

1. Thus, Resolution 3379, adopted by a 72-35 vote, with 22 abstentions on November 10, 1975, by the UN General Assembly, according to which Zionism is "a form of racism and racial discrimination," sought to delegitimate the State of Israel by semantic means See Thomas Mayer, *The UN Resolution Equating Zionism and Racism, Genesis and Repercussions*, in *Research Report* (London: Institute of Jewish Affairs, April, 1981), pp.1-11.

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Used in the most diverse senses, the terms "racism" and "racist" become prepackaged formulas, generating *stereotypes*. Antiracists tend to attack racists in much the same way as racists might go after anyone else. Paradoxically, while the signifier "racist" is vague, the signified is rigidly *fixed*. The charge of having a "racist temperament" follows the same reasoning for which racists are rightly reproached, i.e., vaguely attributing to an entire group traits found in some of its members which, as Pierre-André Taguieff has pointed out, generates another problem: "There is no effective struggle against *racism* once one creates a false image of it, for then antiracism becomes a mirror image of the racist myth. To treat in a racist way those whom one is accusing of racist conduct is part and parcel of current antiracism, and one of its shortcomings. Above all, to fictionalize 'the Other,' even if he be *racist*, is to miss who 'the Other' really is, never coming to know him."[2]

Public opinion's disapproval of racist theories and conduct itself contributes to obscuring the issue. In France, where racism is a crime and where, on the whole, it is severely sanctioned,[3] there is a tendency to deny it the status of an *ideology* or of an *opinion*. Furthermore, the law makes no distinction between racist theory ("inciting racial hatred") and racist behavior. Under these conditions, racism has less to do with ideas than with the penal system.[4] As for the approach which tends to define racism as an intellectual disease — an approach frequently using biological metaphors — racism becomes a "leprosy" (Albert Jacquard) or "madness" (Christian Delacampagne). This does not help matters either. Moreover, these two interpretations — as "delirium" and as "crime" — are contradictory. If racists are mad, they do not belong in court, but in asylums and, of course, a

2. See Pierre-André Taguieff, "Les Présuppositions Définitionelles d'un Indéfinissable: "Le Racisme'," in *Mots*, No. 8 (1984), pp. 71-72.

3. As Irène Kraut, a lawyer for LICRA, has stated: "I have never seen an accused racist acquitted of the charge," in *L'Arche* (August-September, 1985).

4. Contrary to common belief, public opinion polls do not indicate a "resurgence of racism," but, rather, a decline. According to the IFOP poll, published in *Le Point* (April 29, 1985), only 6% of the French have negative attitudes toward Blacks and Asians, while 33% and 27% respectively claim to be positively disposed to both groups. The proportion of positive and negative feelings toward Arabs is the same: 20%. By contrast, a SOFRES poll among Parisians, published in *Le Nouvel Observateur* (November 1, 1967) registered 65% hostile to Arabs and 52% to Blacks. Public opinion polls, however, are unreliable indicators of behavior. According to Michael Billig: "The fact that a person expresses prejudicial feelings toward a particular alien group does not necessarily mean that the individual will always react with hostility to a specific member of that group." See his "Racisme, Préjugés et Discrimination," in Serge Moscovici, ed., *Psychologie Sociale* (Paris: PUF, 1984), pp. 450-451. The opposite is often the case.

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biological dimension raises the question of contagion. When all is said and done, the word "race" and its derivatives (racism, racist, etc.) appear so emotionally charged that it has been compared to the word "sex" in the 19th century. Both words invite evasion or semantic substitution. Any study of racism must take all of this into consideration, even if only to avoid falling into the same trap. This is why it is advisable to follow Pierre Fougeyrollas' advice: "The social sciences must study racism as an ensemble of observable phenomena among others and in relation to other phenomena."[5]

I

The word "racism" appeared in the *Larousse* dictionary for the first time in 1932. A careful examination of dictionaries since then reveals that the definitions of the term overlap: "A system which affirms the superiority of one racial group over the others" (*Larousse*); "A doctrine claiming the existence of biological differences between various races and the superiority of one of them" (supplement to the *Grand Littré*); "A theory of the hierarchy of races based on a belief that social conditions depend on racial characteristics" (*Robert*); "A theory of racial hierarchy which claims the necessity of preserving the so-called superior race from miscegenation and the right to dominate other races" (*Petit Robert*), etc. UNESCO's 1978 "Declaration on Race" defines racism as "any theory claiming the intrinsic superiority or inferiority of racial or ethnic groups which would give to some the right to dominate or even eliminate others, presumed inferior, or basing value judgments on racial differences." Ruth Benedict writes: "Racism is a dogma according to which one ethnic group is condemned by nature to congenital superiority." More recently, Arthur Kriegel has written: "Racism is an ideological-scientific system which divides the contemporary human species into sub-species, resulting from separate development and endowed with unequal average aptitudes. Miscegenation with these inferior sub-species could only result in half-breeds inferior to the favored race."[6] None of these definitions deals with *behavior*. Rather, they all focus on *theory* — a "system," a "doctrine," a "dogma." These theories share two major characteristics: belief in the *inequality* of various races, and that this inequality legitimates *domination* of so-called "inferior" races by those deemed "superior."

More sophisticated definitions have been suggested, and the literature

5. See Pierre Fougeyrollas, *Les Métamorphoses de la Crise: Racismes et Révolution au XXème Siècle* (Paris: Hachette, 1985), p. 90.

6. Arthur Kriegel, *La Race Perdue. Science et Racisme* (Paris: PUF, 1983), p. 143.

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on this subject is considerable. For the most part, these definitions echo those already discussed, and they suggest five main components as constituent elements of racist ideology: 1) A belief in the superiority of one race, and more rarely of several races, over others. This belief is usually accompanied by a hierarchical classification of racial groups; 2) The idea that this superiority and inferiority are of a biological or bio-anthropological nature. The conclusion drawn from this belief is that superiority and inferiority are ineradicable and could not, for example, be modified by social milieu or education; 3) the idea that collective biological inequalities are reflected in social and cultural orders, and that biological superiority translates into a "superior civilization," which itself indicates biological superiority. This implies a continuity between biology and social conditions; 4) A belief in the legitimacy of the domination of "inferior" races by "superior" ones; 5) A belief that there are "pure" races and that miscegenation has an inevitably negative effect on them ("decline," "degeneration," etc.). The question is whether one can infer racism when (and only when) all these theoretical traits are present, or if there are some elements more "fundamental" than others. The first point is that, above all, racism is a theory *of racial hierarchy and inequality*. This is fundamental. As to the rest, things are more complicated.

First of all, a racist viewpoint does not require any knowledge of biology, nor recourse to biology, to explain perceived racial inequality. Most 18th century liberal authors and "enlightened" *philosophes* were convinced of the inferiority of Blacks, but they did not necessarily relate this "inferiority" to any "natural" constitution. Most did not even raise biological questions. Others explained "inferiority" in terms of "customs," "habits," "climate," etc. David Hume wrote: "I am led to believe that Blacks and in general all other human races (for there are four or five different types) are naturally inferior to Whites."[7] He did not base this conviction on any biological consideration. This is also true of Locke, who was a well known apologist for slavery, as were many Enlightenment *philosophes*.[8] For most of

7. David Hume, *Essays and Treaties on Several Subjects* (London: A. Millar, 1758), p. 125. See also his *Of National Characters* (1748) and the collection published by T. H. Green and T. H. Grose, *Essays: Moral, Political, and Literary* (London, 1875).

8. See Richard H. Popkin, "The Philosophical Basis of Eighteenth Century Racism," in *Studies in Eighteenth Century Culture*, Vol. 3 (London: Case Western Reserve University Press, 1973), pp. 245-262; Urs Bitterli, *Die "Wilden" und die "Zivilisierten." Grundzüge einer Geistes- und Kulturgeschichte der Europaïsch Überseeischen Begegnung* (Munich: C. H. Beck, 1976); Pierre Pluchon, *Nègres et Juifs au XVIIIème Siècle* (Paris, Tallandier, 1984).

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them, the idea that reason resided "fully in each person" (Descartes) sufficed to nurture the certitude that anyone can, on his own, recognize the superiority of European civilization. Conversely, in the 19th century, the many writers who sought to relate sociology to biology did not necessarily make racist judgments. This is the case with some social Darwinists, such as Herbert Spencer, who was a pacifist and a believer in the idea of progress. Lastly, in the 20th century, some "racist" authors even objected to any recourse to biology and went so far as to denounce biological racism as madness.[9]

Nor is the idea of a "pure race" — essentially a romantic notion — accepted by all racist theoreticians. Albert Memmi is wrong in claiming that racist ideology is based on three postulates: "that pure races do, in fact, exist; that pure races are superior to others; that, since these races are pure, their members deserve political, economic, and cultural advantages."[10] The eugenicist Karl Pearson, whose work is tainted by racist judgments, constantly fought against the idea of a "pure race." Arthur de Gobineau himself wrote his *Essai* for one reason — to prove that pure races had disappeared for good. For Houston Stewart Chamberlain, as for René Martial, all that matters is "racial achievements." Likewise, for many racist writers, "superiority" is not automatically associated with the idea (or fantasy) of "purity."

Opinion is also divided on the issue of miscegenation. In the 19th and early 20th centuries almost *all* anthropologists saw miscegenation as "an element of degeneracy with reference to anthropological distinctions between the races" (Charles Robin).[11] By contrast, Auguste Comte did not propose racial hierarchies and even supported "appropriate miscegenation," though he had written in his *Cathéchisme Positiviste* (1852) that the different races do not have the same type of brain. The Saint-Simonian Victor Courtet, a clear precursor of racism,[12] thought that, by miscegenation, it would be possible to regenerate humanity. He wrote enthusiastically: "Long-live miscegenation," for which he was later considered a "communist." More recently, Frank H. Hankins has challenged "the perverse and doctrinaire assertions of egalitarians on racial matters."[13] He

9. See, Julius Evola, *Sintesi di Dottrina della Razza* (Milan: Hoepli, 1941).

10. Albert Memmi, "Racisme et Hétérophobie," in *Sens* (Sept.-Oct., 1984), p. 357.

11. See, among others, the positions of J. Perrier, Dally, Nott, Boudin, Waitz, Long and Lewis, Van Amring, Hamilton Smith, Dixon, etc.

12. See his main works: *La Science Politique Fondée sur la Science de l'Homme, ou Etudes des Races Humaines sous le Rapport Philosophique, Historique et Social* (1837-1838) and *Tableau Ethnologique du Genre Humain* (1849). On Courtet, see Jean Boissel, *Victor Courtet (1813-1867), Premier Théoricien de la Hiérarchie des Races. Contribution à l'Histoire de la Philosophie Politique du Romantisme* (Paris: PUF, 1972).

13. Frank H. Hankins, *Les Races dans la Civilisation* (Paris: Payot, 1935).

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writes: "It seems clear that the races are equal in no way whatsoever." But, at the same time, he emphatically supports miscegenation.

The issue of the *instrumentalization* of racial theories is equally complex. For Memmi, "racism offers overall and final validity to the idea of biological differences, real or imagined — all to the advantage of the dominant party or to the detriment of the victim, in order to legitimate an act of aggression or certain privileges."[14] This definition differs from the previous ones. In this case, racist domination is no longer seen as a result or as a potential consequence of theory. On the contrary, theory is seen as resulting from the *intention* to dominate or exploit. Thus, racist ideology turns into a theory forged to justify an act of aggression or to legitimate a relation of domination from which one would expect to *profit*. Racism, then, becomes a belief which justifies behavior. This is not unlike the idea that class consciousness is the driving force of proletarian action. It is also similar to so-called "conspiracy" theory, a pseudo-explanatory construct occasionally used by victims of racism.[15] Close to Memmi is Colette Guillaumin, for whom racism is not so much a theory or an opinion but a *social relation*. She writes: "This is a very particular relation, one of domination, which is seen as completely *natural*."[16] More broadly, racism is generated from the "normalization" of a relation of domination. This idea is frequently espoused by authors who see an intimate relation between racism, colonialism, imperialism, etc.

This alleged relation between racism and domination is, at best, tenuous. Of course, belief in the natural inequality of the races helps legitimate relations of domination or exploitation, particularly colonialist ones. It is also clear, however, that racism can just as well lead to a desire to "banish" others, to set them apart. Whereas domination implies *contact*, it can, nonetheless, express itself as rejection pure and simple, or as an abhorrence not directly related to the desire for domination. To the extent that it is a *phobia*, racial xenophobia is not concerned so much with domination

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14. Albert Memmi, *L'Homme Dominé* (Paris: Payot, 1973), p. 210. The same definition is found in his work *Le Racisme* (Paris: Gallimard, 1982).

15. "Every people, every social group," wrote Maxime Rodinson, "tends to see in attacks against it (or in resistance to its own attacks) clear evidence of pure hatred on the part of the rest of humanity and of a conspiracy of evil against good which, of course, the victims believe they represent." See his "Quelques Théses Critiques sur la Démarche Poliakovienne," in Maurice Olender, ed., *Le Racisme, Mythes et Sciences* (Brussels: Complexe, 1981), p. 318.

16. Colette Guillaumin, "Le Chou et le Moteur à Deux Temps. De la Catégorie à la Hiérarchie," in *Le Genre Humain*, No. 2 (1982), p. 31.

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of the Other as with its *removal*, to its disappearance from everyday life. Racist opponents of immigrant workers do not want to "exploit" them; they want to see them *gone*. Thus, the idea that there is a hierarchy among the races does not necessarily imply domination, and it is unwarranted to explain racial hierarchies merely on the basis of a perverse desire to realize personal profit or advantage from exploitation.

Moreover, if racism has often accompanied and even encouraged colonialism, sometimes racist beliefs have also played the opposite role. William B. Cohen writes: "It has been suggested that racist theories developed in the second half of the 19th century were the basis of French imperialism. But, a number of those who believed in the inferiority of the black race were opposed to French colonial expansion in overseas territories."[17] Colonialism is a *relation*, even if one of domination. Moreover, historically, racist domination has never precluded miscegenation, while at times opposition to colonialism has *also* been motivated by opposition to miscegenation. Gobineau vigorously denounced all forms of colonialism; Broca inveighed against "the subordination of one race to another." Gustave Le Bon, who believed in racial inequality, was one of the staunchest opponents of colonial expansion: in 1910, he criticized colonialist "stupidity" and "barbarity" because "hitherto, no race has ever been able to change its fundamental mental constitution in order to adopt that of another race."[18]

On the contrary, throughout the 19th century, the ideology resulting from the 1789 French Revolution not only did not curb colonial expansion, but actually encouraged it. In particular, French colonialism evolved largely in the name of "progress." It assumed that the Western world had a "mission" to extend the blessings of the ideology of "human rights" to all colonialized peoples. In England, as in France, in polemics concerning slavery, the most fervent abolitionists were almost always avid advocates of colonialism. Seen as an obvious fact, belief in racial inequality nourished a certain paternalism (which was not devoid of traces of sympathy for these "children," i.e., indigenous peoples). Lord Acton thought that the existence of "inferior races" sufficed to justify "their political union with intellectually superior" ones, and this for the very purpose of remedying their

17. William B. Cohen, *Français et Africains. Les Noirs dans le Regard des Blancs, 1530-1880* (Paris: Gallimard, 1983).

18. Gustave Le Bon, *La Psychologie Politique et la Défense Sociale* (Paris: Flammarion, 1910), p. 231 (republished in 1984). Similar viewpoints are found in Gabriel de Saussure, *Psychologie de la Colonisation Française* (Paris: Felix Alcan, 1889), Péries, Pellarin, etc.

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perceived inferiority. Jules Ferry claimed that "superior races have the duty to protect and guide inferior races." On July 9, 1925, Léon Blum addressed the Chambre des Députés: "We acknowledge the right and even the duty of superior races to draw unto themselves those races which have not reached the same cultural level and to challenge them to a level of progress which can only be achieved through the contributions of science and industry."

The doctrine of colonialism unquestionably mixes racist judgments with an apology for colonialism (although these racist judgments should be placed within their historical and cultural contexts). Colonial doctrine also tends to legitimate colonial domination by appealing to typically democratic values, through the politics of *assimilation* which, during the Third Republic, won almost unanimous acceptance. This led Maurice Violette, a socialist, to argue, while addressing the League of the Rights of Man in February, 1931, that: "I do not know of any colonial politics possible other than that of assimilation. I cannot understand the thesis held by some that the colonial 'native' should evolve, as they say, on his own and within his own civilization."

In this context, depending on the degree of individual conviction, many regarded ideas of "superiority" and "inferiority" to be provisional. During the 19th century many people claimed that there were inferior races, but they also thought it possible to "elevate" them to the level enjoyed by "superior" races. Whatever the cause, this "barbarity" is not irremediable. Seen from the perspective of a linear historical evolution, it is only an "arrested state of development." They believed it is through colonialism that these peoples, who had somehow "fallen behind," could catch up. "The Indonesian peoples and the black races of Africa," wrote Emile Mireaux, "have hitherto remained in a condition bordering on barbarity. But does that permit us to deny their capacity for progress and possibilities for their future?"[19] This statement is typical. Its ethnocentrism is evident. "Every one calls 'barbarity' what he is not accustomed to," wrote Montaigne long ago. Also evident in Mireaux is a racist perspective. Yet, his outlook did not reflect the *idées reçues* of his time. Thus, in depicting racism simply as an ideology justifying domination — especially of a colonial nature — one risks making the mistake of projecting current views onto the past.

Domination implies *inclusion*, and thus *acceptance*. Of course, it is inclusion into a hierarchical structure where the "victim" occupies a subordinate position. Yet, the structure is, first and foremost, one of *integration*,

19. Emile Mireaux, *Philosophie du Libéralisme* (Paris: Flammarion, 1950), p. 180.

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even if there is, secondarily, the interplay of exclusion created by one's placement within a certain level of that hierarchy. To reiterate, it is racism that generates *exclusion* and isolation, rather than inclusion. The racist who believes that there are "too many immigrants in France" is hardly satisfied with the fact that these immigrants occupy a low position within the social ladder. What the racist wishes is their departure, their *disappearance from sight*, their being expelled from any position whatever in *the established hierarchy*. Moreover, recent research has shown that hierarchical systems cannot be analyzed or understood exclusively in terms of exploitation, domination or even contempt. "Hierarchy" is not synonymous with "inequality." Jean-Pierre Dupuy writes: "The most favorable context for mutual racial respect is not one where the principle of equality takes precedence, but rather where hierarchy is observed. A prerequisite for understanding this proposition is not to confuse hierarchy and inequality, but rather to see them as opposites."[20] In fact, the hierarchic principle is one of inclusion for those who are "different." Certain hierarchies are merely differentiated structures in which all the parts are equally indispensable for the well functioning of the whole. Similarly, in many traditional societies, subordination is not synonymous with inferiority. In India the caste system has traditionally been seen as a system of "holistic" complementarity which, far from establishing exclusion, prevents excluding anyone. In this case, hierarchy is nothing more than "the order which results when 'individual worth' comes into play."[21] Jacques Dupuis has even ventured that: "In loosing the caste system, with its hierarchical acceptance of subordination, India would loose what has assured both the equilibrium and mutual tolerance of its communities."[22]

In fact, only *secondarily* can racist ideology eventually be used to *legitimate* domination. A classic example is the colonizer's racist attitude toward the colonized. To a large extent, this attitude survives in the way some Westerners see the Third World: if these countries do not succeed in "developing," it is because they are fundamentally *incapable* to do so. In this instance race functions as an *explanation* (for their underdevelopment) and as the *legitimation* (it is, therefore, permissible to usurp from these "incompetents" their power or authority). There are also numerous examples of rivalries between races, countries, or ethnic

20. Jean-Pierre Dupuy, "Libres propos sur l'Égalité, la Science et le Racisme," in *Le Débat*, No. 37 (November, 1985), p. 40.
21. Louis Dumont, *Essais sur l'Individualisme* (Paris: Seuil, 1983), p. 263.
22. Jacques Dupuis, *L'Histoire* (September, 1985), p. 35.

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groups, particularly between those closely related. The modern "nation" has been *naturalized* by being systematically associated with a series of biological "givens." Thus, in 19th century England, anti-Irish racism was widespread. Authors such as John Stuart Mill[23] or Matthew Arnold[24] explained the endemic poverty of the Irish people in terms of "racial deficiency," while Sir Robert Peel coldly proposed "the gradual extinction of the Celtic race in Ireland." In France, in the context of WWI, a scholar such as Bérillon, in a series of astounding publications, boldly stated that "German flesh is not like that of the French" and that the "German race" has a unique "bodily chemistry" that produces "*sui generis* a nauseating odor, noticeable the moment one approaches a German." He went so far as to claim that a "racial instinct" impels Germans to "sully both the public buildings and the homes which they inhabit."[25]

In light of all this, a number of authors have distinguished between a racism of *exclusion* and one of *domination* — a seemingly well-grounded distinction.[26] On the other hand, when it comes to evaluating objectively how "dangerous" each of these two categories is, opinion is divided. The uncertainty stems from the fact that exclusion can be much more benign than domination when it limits itself to refusing contact without interfering with the life-styles of those excluded, but it can also be much more deadly, as when it leads to extermination.

Another distinction, more rarely made, is between racism, properly speaking, and what might be called, for want of a better term, "racialism," i.e., theory based on the idea that racial factors or, more generally, ethnic factors, play a determining role in the evolution of human society. From this perspective, socio-cultural roots are traced primarily or exclusively in terms of ethnic groups, and the great events of human history are systematically reduced to "events" of the racial order. In short, racialism postulates that the concept of race is the key to understanding the fundamental

23. John Stuart Mill, *England and Ireland* (London, 1865).

24. Matthew Arnold, *Irish Essays* (London, 1882).

25. Bérillon, *La Bromidrose Fétide de la Race Allemande* (1915); *La Psychologie de la Race Allemande, d'après ses Caractères Objectifs et Génériques* (1917); *Les Caractères Nationaux. Leurs Facteurs Biologiques et Psychologiques* (Paris: Amédée Legrand, 1920).

26. For Taguieff, *op. cit.* p. 76, the distinction between the two racisms — based on exclusion and domination, respectively — is reminiscent of the distinction between "other-referential" (*altéroréférentiel*) and "self-referential" (*autoréférential*) racism, one organized around the Other, and the other around the Self, i.e., in this case, the collective "We." This position does not seem tenable, since the understanding of the Self and of the Other are inseparable. Each of these two understanding needs the other in order to function.

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determinants of major social configurations. Thus, for Victor Courtet, "on almost every point the issue is race." In 1850, the Scottish anatomist Robert Knox wrote: "Race is everything: literature, science, art — in a word, civilization — all depend on race." In Germany, the Social Darwinist Ludwig Woltmann, a former social-democrat, explained the Renaissance by the presence, in North and Central Italy, of "Germanic" blood. In England, Benjamin Disraeli was also an advocate of racialism. Hannah Arendt saw him as "the first Englishman to have insisted unrelentingly on his racial convictions and on racial superiority as a determining element in history and politics."[27] Likewise, Gobineau interpreted all human history in racial terms. Although, contrary to widespread opinion, his influence on National Socialism was almost nil,[28] similar viewpoints were popular in Germany in the 1930s and 1940s.[29] For Edward Mangold, racial differences "provide the key for understanding all major events of human history."[30] In varying degrees, this theme of race as a determining factor is found in Newton, Montesquieu, Auguste Thierry, Camille Jullian, d'Eichtal, Virey, Buffon, and even Guizot.

In genuine racialism, the racial factor is considered primordial and not just an element to be considered among an infinity of others.[31] Moreover, true racialism maintains that there is a causal connection, often an almost mechanistic one, between the racial order and the socio-cultural domain in the sense that the former determines the latter. In addition, racialism does not imply racial inequality, and this is what fundamentally distinguishes racialism from racism. At first glance, in its most blatant

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27. Hannah Arendt, *L'Impérialisme* (Paris: Fayard, 1982), p. 108.

28. See Michel Lémonon, *Le Rayonnement du Gobinisme en Allemagne*, Doctoral Dissertation, University of Strasbourg II, 1971.

29. See Wilhelm Erbt, *Weltgeschichte auf rassischer Grundlage. Urzeit. Morgenland und Mittelmeer* (Frankfurt/M.: Moritz, 1925) (2nd edition, enlarged: Leipzig: Armanen, 1934); Rolf Fahrenkrog, ed., *Europas Geschichte als Rassenschicksal. Von Wesen und Wirken der Rassen im Europäischen Schicksalraum* (Leipzig: Hesse und Becker, 1939); Max Wundt, *Aufstieg und Niedergang der Völker. Gedanken über Weltgeschichte auf rassischer Grundlage* (Munich-Berlin: J. F. Lehmanns, 1940). Compare these works with Frank H. Hankins, *La Race dans la Civilisation*, *op. cit.*, which has the triple distinction of having a "Préface" by Georges Montandon; of specifically claiming to provide "a critique of the Nordic doctrine," and to conclude that "great cultures have only resulted from combinations of highly gifted races" (p. 329).

30. Edward Mangold, "Rasse und Nation im französichen Denken," in *Rasse* (1938), No. 5, p. 182.

31. Some scholars hold that questions of race are central to anthropology, but that no definitive social and political conclusions follow from this. This is essentially Ernest Renan's position in *Discours et Conférences* (1887).

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form, racism seems to be the result of a fusion of racialism and a belief in racial inequality.[32] Moreover, it is clear how one can go from one to the other: if race is the central determinant of human affairs, it is tempting, to say the least, to explain balances of power which have been established throughout the world by the "racial characteristics" of the opposing parties. Yet, racialism and racism do not always intersect. By itself, racialism does not imply hierarchical value judgments. It limits itself to distinguishing between the races, eventually to classifying and attributing to them a determining role in social life. But to distinguish or classify is not the same as to create a hierarchy. To categorize is to list similarities and differences, affinities which permit drawing some boundaries between the various races. Hierarchy, on the other hand, implies a paradigm, and this paradigm is the distinctive characteristic of racist ideology. Moreover, this paradigm is almost always ethnocentric, i.e., self-referential. That is why sometimes racialism can be raciophile, but racist ideology is always raciophobic: it inevitably *deprecates* its object. Racialism adds the central importance of race to the simple idea that there is a link between the physical characteristics of individuals and groups and their mental characteristics, between the biological and the social. Racist ideology adds to racialism a discriminating value judgment. Races are arranged hierarchically. But racist ideology does not necessarily imply racialism. One can actually believe that there have always been inferior and superior races without believing that all social phenomena are reducible to racial factors. A belief in racial inequality and the idea that race is the main factor in human history are *not* two different versions of the same idea.

The racial hierarchy drawn by racist ideology is almost always linear — with one race invariably at the top, followed immediately by its civilization. The entire schema is marked by an "orderliness" which immediately signals the underlying ethnocentrism. In general, whereas racialism emphasizes the decisive importance of *race*, racist ideology emphasizes the importance of *a particular race*, e.g., Gobineau's "Aryans" or Victor Courtet's "Germans," seen as "the nation's oil." As Chamberlain wrote: "Our entire civilization and all our current culture are the product of a

32. For Voltaire, blacks did not even belong to the human race. "The black race, he wrote, is a species different from ours, just as the spaniel is different from the greyhound." See *Russie*, Vol. I, No. 1. In 1817, Cuvier claimed that the blacks's morphological and cranial characteristics "clearly suggest their proximity to the ape" — a position retained long afterwards. Hegel took the position that, in blacks, "one finds nothing that suggests mankind." Most contemporary anthropologists expressed similar views (Virchow, Broca and Quatrefages were among the more moderate).

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single race: the Germans" (a heading under which he also places Celts and the Slavs).[33] For Hitler "the Aryan laid the foundations and set the framework for all human accomplishments. All these great past civilizations fell into ruin simply because the race which at first was creative later died from blood poisoning."[34]

Gobineau's *Essai sur l'Inégalité des Races Humaines* (1853-1855) is clearly based both on racialism and racism as previously defined. The book's title speaks for itself, and is repeated in the heading of Chapter XIII: "Races are Intellectually Unequal." This work attempts to explain all of human history in terms of natural phenomena. Unlike the disdain in which Tocqueville held Arab culture during the same period, Gobineau expresses admiration for Islamic civilization. Nor is Gobineau anti-Semitic. He sings the praises of Greek art, in which he sees the fruit of a felicitous mixture of racial bloodlines where the Asiatic strain predominates, and he considers blacks as the founding fathers of what he calls artistic feeling. The "Aryans," whose superiority he vigorously upholds, evolved over a long period of time. Himself a connoisseur of Mediterranean culture and of the Near-East, Gobineau did not share most of his compatriots' attitudes toward indigenous peoples. On March 22, 1855, he wrote to Prokesch from Cairo: "Europeans are not very commendable, and they constantly justify the disdain and even hatred in which they are held by indigenous populations." When all is said and done, his writings owe more to literary influences, specifically Romanticism, than to ideology.[35]

In addition, racist ideology includes two very different perspectives, one pessimistic and another optimistic. For a number of racist ideologues, racial phenomena are used primarily to explain in retrospect the state of "decline" into which the "white race" has supposedly fallen. This type of racist ideology is part of "decadence theory" and belongs with other equally pessimistic visions.[36] It explains the current state of affairs in terms of the "weakening of bloodlines," "miscegenation," etc. Current problems are seen as due to "the domination of the white races by races of

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33. Houston Stewart Chamberlain, *Grundlagen des XIX. Jahrhunderts* (1899).

34. Adolf Hitler, *Mein Kampf*, pp. 274-275.

35. This is the unanimous opinion of practically all those who have studied his works, from Robert Dreyfus to Hubert Juin, Jean Gaulmier and Jean Boissel. See particularly Robert Dreyfus, *La Vie et les Prophéties du Comte de Gobineau* (Paris: Calman-Lévy, 1905); Jean Gaulmier, ed., *Etudes Gobiniennes* (Paris: Klincksieck, 1966-1978); Jean Boissel, *Gobineau, 1816-1882. Un Don Quichotte Tragique* (Paris: Hachette, 1981).

36. See Julien Freund, *La Décadence* (Paris: Sirey, 1984); and Pierre-André Taguieff, "L'Idée de Décadence et le Déclin de l'Europe," in *Politique Aujourd hui* (November, 1985).

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color." This causality is depicted either as an irreversible *fait accompli* (Gobineau) or as a threat that has already begun to materialize.[37] Other authors perceive racial struggle from an "optimistic" viewpoint, which seems to bear the imprint of Social Darwinism. Chamberlain shares this outlook when he writes: "Even if it were proven that there never had been an Aryan race in the past, we would want one for the future." Later, he writes: "Far from being heaven-sent, race develops over time, and only slowly does racial purity win out." (On this point, as on many others, Chamberlain disagrees with Gobineau). Curiously, Hitler shared this optimism. His racist project is akin to the "eugenic" viewpoint in the sense of "racial hygiene": race is not so much an acquired characteristic to be preserved, as an objective to attain and a reality to bring about; race is less the "voice of the past" as it is "the call of the future." Belief in a continuum between the biological and the social permits belief that natural selection in human society continues to operate in the sense of promoting "the best." From this perspective, history is fundamentally *correct*: it is the strongest, the fittest, etc. who win out.

Two largely contradictory Social Darwinist strands are at work here. On the one hand, there are those who believe that natural selection operates in human societies as in the state of nature (a belief held especially by Anglo-Saxon writers and by Hitler!). On the other hand, there are those who believe the opposite — that the free play of natural selection in the social sphere runs into conflicts with certain "counter-selections" (Vacher de Lapouge) which call for voluntary corrections and, thus, state intervention. Here the link between the first variant and liberal ideology is clear: the same "invisible hand" that is supposed to reestablish automatically the "optimum" economic state is also supposed to assure "optimum" social relations and interactions. "Free competition" and "natural selection" operate on the same principle. The second variant is decidedly interventionist — paradoxically contradicting its initial postulate (if there is a continuum between the biological and the social spheres, why does natural selection not operate naturally in human societies?).

Joseph Gabel claims that "racism derives from Social Darwinism."[38]

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37. Since the 1920's, literature on the subject has grown. See, e.g., Lothrop Stoddard, *Le Flot Montant des Peuples de Couleur contre la Suprématie des Blancs* (Paris: Payot, 1925); Muret, *Le Crépuscle des Nations Blanches* (Paris, 1925); Madison Grant, *Le Déclin de la Grande Race* (Paris: Payot, 1926).

38. Joseph Gabel, "Racisme et Aliénation," in *Praxis International*, Vol. II, No. 4 (January, 1983), p. 432.

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This needs a qualification. Obviously, with the aid of Social Darwinism, Darwin's ideas reinforced 19th century racist ideas. Evidently, it was appealing to depict the white race as the most thoroughly evolved and developed branch of the human race.[39] The fact remains, however, that there was racism, including its theoretical formulations, well before Darwin, and that many racist authors were fundamentally hostile to Darwin and the theory of evolution (on the grounds that it was one of the major avatars of the theory of progress). Conversely, not all Social Darwinists have been racist. Social Darwinism differs from racism by being elitist. As such, it is not overly bound by ethnic considerations, whereas, in sound racist logic, a white should feel closer to a street sweeper of his own "race" than to a Chinese Nobel Prize winner.

In reality, beside the obvious tendency to biologize social relations, the common ground between racism and Social Darwinism is the idea of a "race war." From this viewpoint, racial conflict becomes one of the elements of universal selection. Here the names of Vacher de Lapouge and his German counterpart, Otto Ammon, come immediately to mind.[40] Yet, they are not the most important. In fact, the main theoretician of racial struggle was the Pole, Ludwig Gumplowicz.[41] Along with those of the German sociologist, Gustav Ratzenhofer, his ideas, would be popularized in the US by Albion Small. For Gumplowicz, struggle is a primordial and inevitable relation between different racial groups, and the state is the political instrument created by the victorious race to assure its domination over the vanquished race.

Thus, the critique of racialism and racist ideology is clear. In pretending to be universal, racialism turns out to be *reductive*. Attributing to racial factors a central, determining role in understanding human affairs takes its place alongside similar systems, which also posit their own "ultimate categories": economics, class, sexuality, the subconscious, etc. Moreover, the mechanistic causal relation established between race and culture is untenable. To posit such a connection is to dismiss the social interaction found in all societies, and to deny the specific character of historical factors and

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39. Recently, the "Darwinian legitimacy" of Social Darwinism has been questioned. For "exculpations" of Darwin, see Kriegel, *op. cit.*; Patrick Tort, *La Pensée Hiérarchique et l'Évolution* (Aubier-Montaigne, 1983). See also Hannsjoachim W. Koch, *Der Sozial-Darwinismus. Seine Genese und sein Einflusse auf das imperialistische Denken* (Munich: G. H. Beck, 1973).

40. See Vacher de Lapouge, *Les Sélections Sociales;* and Otto Ammon, *Die Gesellschaftsordnung und ihre naturliche Grundlagen* (Jena, 1916).

41. Ludwig Gumplowicz, *Rassenkampf* (1883)

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social relations. Any survey of history immediately reveals that the vast majority of great social and cultural transformations in the past were not a function of racial or ethnic phenomena. From this viewpoint, racialism implies an unacceptable naturalization of social phenomena. In the conclusion of his *Essai*, Gobineau explicitly sets his goal to "bring history into the domain of the natural sciences." This project is revealing. He overlooks the fact that human societies are also living systems, or that man is also an animal. Rather, he systematically erases everything typical of the human phenomenon. Race and society are then related causally. The "racial" signifies the "social" which, apart from the racial, is no more than an incomprehensible epiphenomenon. The human is exclusively reduced to the merely living, and sociology is reduced to zoology. Similarly, recourse to race functions as an absolute justification, i.e., as a substitute for theological justification. What is rejected is the capacity of human beings, based on their natural hereditary makeup, to constitute themselves through choices and lived experiences. Similarly, education becomes nothing more than the training of a pre-programmed personality. Free will disappears. Ultimately, social life is something operating independently of any real persons.

One frequently observes in racist ideology an essentialist obsession with *naturalness*. This obsession relates closely to the emergence of a new concept of *nature*, steadily drawn away from the biological sphere and toward the socio-political one. In racist discourse, an expression such as "a naturally inferior people" conveys, at one and the same time, the idea of *biological* and *definitive* inferiority. Biology becomes a substitute for, or a representation of *fate*: thus, a "natural" inferiority is a permanent inferiority ("for all time," "forever"), not susceptible to corrections or modifications by any means. Racialism degenerates into essentialism when it defines race as an invariable *ideal type,* independent of the historical, social or cultural circumstances to be found, to some degree or another, affecting the various members of a social group. From this perspective which, paradoxically, becomes subtly egalitarian, all individuals become equivalent and even interchangeable: they are first of all, and uniquely, the representatives of a group with "general" characteristics. Thus, acceptance of any member of the group will lead, sooner or later, to acceptance of all others. In this sense, the value of the individual becomes synonymous with the value of his race. The appeal to "nature," particularly to biological nature, functions then to legitimate the perpetuation of that race as it is, doing away with any contingencies: everything is fixed once and for all; they are not subject to revision. *A priori* judgments become

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simultaneously *eternalized* and *generalized*. Racist thought also *does not allow for exceptions*,[42] and in this way prejudice is born and nurtured.

To brand this "essentialism" racist, Colette Guillaumin uses the expression *saisie spatialisante*. By suspending time, diachronic reality is reorganized synchronically. Spatial continuity takes absolute precedence over temporal discontinuity.[43] The blending of the concepts of culture and nature has led some Marxist writers such as Lukács, Mannheim and Korsch to point out the anti-dialectical nature of racism. Thus, there is a tendency to "reify" categories, i.e., to think in terms of *things*, as well as an inclination to emphasize the fundamental stability of data which, despite their permanent and lasting aspects, ought to be apprehended in terms of relations and dynamic change. This approach is interesting, even if only because it clearly reveals the limits of the *rapprochement* currently being attempted between Darwinism (social or otherwise) and racism. If racism is an essentialism, an ideology where the concept of *nature* is regarded as an unchanging "essence," there is a problem, then, drawing on a theory of evolution whose central thesis implies transformation and change. It should be pointed out, however, that "essentialist" modes of thought are not unique to racism (or even to racialism). Rather, "essentialist" thinking seems to correspond to a certain propensity of the human mind, and it is easy to cite many other examples of such thinking. The gaze (which engenders representation), be it the gaze of the racist or of his victim, distinguishes only with great difficulty a single element from the whole to which it belongs. Thus, Raymond Aron speaks of the "inverted essentialism" of those who "tend to depict all colonizers, anti-Semites, southern whites (in the US), as *essentially* defined by their disdain for indigenous peoples, their hatred for Jews, their desire for segregation." Such an approach, he adds, leads to "a depiction of the colonizer, the anti-Semite, or the southern white, which is as coherent and comprehensive as the stereotype of Jews, indigenous peoples, or blacks."[44]

"Race" functions in racist ideology in the same way "class" functions

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42. This is why it is improper to dismiss as "racist" the numerous recent studies concerning racial differences in results to psychometrical testing. They are just *mean* results. No psychologist has ever claimed that all Asians are superior to whites in terms of I.Q., or that all blacks are inferior to whites. Thus, in the US, hiring practices based exclusively on IQ scores would result in firms becoming *more* multiracial than they are today.

43. Colette Guillaume, "Caractères Spécifiques de l'Idéologie Raciste," in *Cahiers Internationaux de Sociologie*, Vol. III (1972), p. 165.

44. Raymond Aron, *Les Désillusions du Progrès. Essai sur la Dialectique de la Modernité* (Paris: Calmann-Lévy, 1969).

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in Marxist ideology. This *rapprochement* is justified by those writers who claim that membership in social class is as decisive and universal a determinant as belonging to a given race (although, obviously, it is less easy to change one's race than to change one's social class). A similar parallel can be drawn between the Marxist theory of the class struggle and Gumplowicz' almost contemporary theory of the *Rassenkampf*. In both cases, a particular antagonism becomes what explains all human history. (According to Marx and Engels, "The history of all societies that have existed up to now is the history of class struggle"). In both cases, perhaps under the influence of Darwin's "survival of the fittest" and the "struggle for life,"[45] the proposed vision is largely one of a war: certain classes *must* be eliminated (Marxism); certain races *can be* done away with (racism). Racial war, on the one hand, and general civil war, on the other: in each case, theory legitimates the separation or elimination of the Other by conjuring up a pejorative and frightening image of the Other (the bourgeoisie as "exploitative," people of color as "threatening"). In both cases, the fundamental concept is endowed with an absolute operational rigidity: class and race become quasi-metaphysical entities one can appeal to in order to definitively understand *essential* reality which, always and everywhere, is at work under epiphenomena and "superstructures." The fact that racist action frequently results in domination, while, on the contrary, "class" action is supposed to, in theory at least, end exploitation, in no way changes this fundamental structural similarity.

Surprisingly, there is a relative conceptual interchangeability between the two ideas. Both race and class can play the same explanatory role. According to certain proponents of racialism, ethnicity explains "class differences." In his *Essai sur la Noblesse* (1732), Henry de Boulainvilliers set out to explore the history of France in light of an antagonism between the "Frankish race," which generated the nobility, and the "Gallic race," from which the common people come. This theory, which identifies the French aristocracy with "German" or "Franc" ancestors, and the common people as descendants of the "Gauls" or the "Gallo-Romans," enjoyed considerable popularity in the 18th and 19th

45. The relation between Marx and Darwin is ambiguous. See Marcel Prenant, *Darwin* (Paris: éd. Sociales Internationales, 1937); Bernard Naccache, *Marx critique de Darwin* (J. Vrin, 1980); Yves Christen, *Marx et Darwin. Le Grand Affrontement* (Paris: Albin Michel, 198l); Pierre Thuillier, *Darwin et Cie* (Bruxelles: Complexe, 1981). See also Nathaniel Weyl, *Karl Marx: Racist* (New Rochelle: Arlington House, 1979).

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centuries. It also explained past social tensions by the uneasy cohabitation of "two peoples" within a single "nation." This theory was refuted by Bonald and Benjamin Constant, but it reemerges with Courtet de l'Isle, Augustin Thierry, and even Guizot and Montlosier.[46] It is the same: for racist theoreticians, class struggle is to be interpreted in racial terms, for Marxist theoreticians, it is racial struggle which is to be interpreted in terms of class. Thus, before WWII, Georges Politzer accused Nazism of misleading proletarian consciousness by replacing "class consciousness" with "the idea of racial belonging." More recently, the Soviet anthropologist Mikhail Nestourkh has written: "Reactionary scholars commit a major error by replacing the doctrine of class struggle with the pseudo-theory of racial conflict as the driving force in the development of the human race."[47]

As for belief in racial inequality, clearly it is based on ethnocentrism which, most of the time, is not understood as such and, therefore, becomes universally accepted as "fact." Specific characteristics are seen as universal truths, which themselves are seen as referring to specific characteristics. To create a racial hierarchy from the viewpoint of culture and civilization implies the existence of a *criterion*, which is not the projection of any one culture but which would permit ranking all of them *objectively*. Such a criterion, however, does not exist. The very idea of a socio-cultural criterion independent of any particular society or culture, which could be taken as a unique first principle and a universal norm, is based on a contradiction. Any criterion used to outline a cultural hierarchy can be derived only from the extrapolation of norms or social values proper to a given culture. By itself it cannot provide any understanding as to why it is an appropriate norm, nor any objective evidence as to why it should be adopted universally. To establish a hierarchy of racial inequality necessitates evaluating on the basis of both the behavior and the accomplishments of one of the races, most often of the race establishing the hierarchy. In order to explain this approach, there is no need to impute bad intentions or even an invincible desire for domination or profit. It is

46. Cf. Renée Simon, *Henry de Boulainvilliers, Historien, Politique, Philosophe, Astrologue, 1658-1722* (Gap: Boivin & Cie, 1940); *Un Révolté du Grand Siècle: Henry de Boulainvilliesr* (Garches: Nouvel humanisme, 1948); André Devyver, *Le Sang Épuré. Les Préjugés de Race chez les Gentilshommes Français de l'Ancien Régime, 1560-1720* (Brussels: University of Brussels, 1973).

47. Mikhail Nestourkh, *L'Origine de l'Homme* (Moscow: Éd. du Progrès, 1960). For another recent example, see Maurice Cukierman, "Derrière l'Apartheid, la Lutte des Classes," in *Cahiers du Communisme* (September 1985), pp. 82-92.

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simply the result of the tendency of the human mind to consider itself the "norm," in relation to which the Other can and must be judged.

In fact, the "value" of a culture can only be evaluated in the context of that culture and in terms of how its members perceive what it does for them. One of the fundamental principles of cultural relativism is that judgments formulated on the basis of the experiences of individual members of a culture can be interpreted only with reference to their own cultural milieu.[48] In the same way, a culture "performs" more or less well in relation to its own norms or according to the objectives it has set for itself, most notably with reference to adaptability. Thus, at most, what can be said is that each people is "superior" to other peoples by being true to itself, by being whatever it is, and that all races are equally capable of being whatever they are. This reasoning, of course, is purely tautological.

The lack of a paradigm encapsulating all cultures and allowing absolute judgments challenges the racist belief in the statutory inequality of peoples and races. It also undermines the better intentioned but equally ethnocentric belief that "primitive" peoples are somehow "backward" and that it is appropriate to *acculturate* them according to a model upheld by those who are "more advanced." As already indicated, this belief has inspired the politics of assimilation of colonial imperialism, and today it is still presupposed by certain "logics of economic development." From this viewpoint, the spatial configuration is *temporalized*: so-called primitive peoples are supposed to evoke images of the Western "past," while being offered a vision of their "future." The West is once again proposed as an exemplary model of the kind of social ideal to be attained. The result is not much different from that of classical racist strategy: it treats local social structures as inferior, obliterates collective identities and differentiated life-styles, encourages behavioral imitation of established models, and the institutionalizing a *de facto* inequality.

The philosophical sources of racist ideology are more numerous than one would think. The West's monotheism has not been conducive to tolerance. For a long time, the idea that there is only one God, one truth and thus implicitly one model of civilization has legitimated racially intolerant behavior. To suppress allegedly "bloodthirsty" pagan cults was to eradicate evil and save souls — even at the price of the lives of those

48. See Melville J. Herskovits, *Les Bases de l'Anthropologie Culturelle* (Paris: Payot, 1967); *Cultural Relativism. Perspectives in Cultural Pluralism* (New York: Random House, 1972); Pierre Bungener, "Approche du Relativisme Culturel," in *Parole et Société*, No. 3 (1972), pp. 247-259.

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whose souls were being saved. In some instances, this led to the disappearance of entire populations. The typical example is that of Latin American natives. For a time theologians even debated whether they had a soul. The Bible sanctions the execution of "idolaters" as a sacred duty.[49] One of the canons adopted at the Lateran Council of 1215 declared: "Those who kill heretics are not guilty of murder (*homicidas non esse qui heretici trucidant*)." Scholastic rationalism privileged classifications. The school of ontological realism proposed the idea of a natural essence, which later turned into the idea of biological "nature." But empiricism, with its concept of the *tabula rasa* and the all-determining role of the environment, has not exercised a more positive influence. Locke, who was anti-essentialist, insisted strongly that all human characteristics are rooted in a first substance: it thus became possible to speak of human essence in a way Cartesianism could not. The idea that "man" is infinitely malleable may appear "preferable" to the theory of biological determinism, but the idea of an infinitely changing mankind poses considerable problems concerning the legitimacy of "conditioning," the validity of the criteria and of the chosen models. Thus there is the danger of falling back into ethnocentrism.[50]

In view of all this, it is clear that it is not an easy task to define racist ideology. To the extent that they deal with particulars, most definitions raise serious questions and allow for too many exceptions. A useful definition of racism in terms of ideology should be applicable to all cases. A careful examination of racist discourse, however, reveals only one constant: belief in the inequality of the human races, which implies, as a logical consequence, the inequality of cultures and civilizations. From this, racist ideology: (a) may or *may not* seek in biology an explanation for the inequality it believes it perceives; (b) may or *may not* adhere to racialism, i.e., the theory according to which race is the fundamental given in history; (c) may or *may not* legitimate domination or, on the contrary, exclusion and isolation; (d) may or *may not* rule out miscegenation; (e) may or *may not* hold that the inequality it postulates is unchangeable or, on the contrary, that it is possible to reverse inequality by acculturating "Others" by means of an implicitly ethnocentric model.

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49. Cf. Deut. 13, 1-18.

50. For a critique of latent racism in Locke, see Harry M. Bracken, *Mind and Language Essays on Descartes and Chomsky* (Dordrecht-Cinnaminson: Foris Publ., 1984), Chap. 2, "Essence, Accident, and Race," pp. 39-50; Chap. 3, "Philosophy and Racism," pp. 51-66.

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II

During the last decades, there have been various efforts to redefine racism. One of these, not very rigorous, consists in *generalizing* "racism" to include any attitude of intolerance, aggressiveness of belief, or *a priori* rejection of any group. Thus, "racism" becomes synonymous with phobias of any "Other," e.g., ageism, misogyny, anti-young, anti-police, anti-workers, anti-unmarried people, etc. This usage seems to be based on a quasi-pleonasm, with "racism" functioning, in extreme cases, as a duplication of "anti." Here, "racism" extends far beyond its traditionally understood limits. In May, 1985, the French Parliament adopted a law extending "racism" to include "sexism." For his part, Christian Delacampagne, who saw the broadening of "racism" as resulting from "the widespread diffusion in Western societies of the technocratic age, of guilt feelings resulting from the various genocides carried out by Westerners since the outset of the 20th century,"[51] today admits that "in certain situations, *any type of conflict* can take on a racist connotation," e.g., male/female or labor/management antagonisms.[52] From this perspective, "racism" would mean "going to extremes," to radicalize hostilities and to encourage dogmatic judgments based on stereotypes and prejudices.

This use of "racism" is questionable, and the reasoning behind it specious. At first sight, branding a hostile position as racist could seem to benefit those who use this tactic by heaping on adversaries the disapproval the term "racism" entails. In fact, the result may be the exact opposite. If all aggressive behavior is "racist," "racism" becomes as "normal" as ordinary feelings of hostility, hatred, aggression — feelings present at all times and in every society. If everyone is racist, no one is racist: *dilution* leads to *trivialization* — diluting responsibility is a classical tactic for relieving the guilty of their guilt! Moreover, such a definition of "racism" would give the laws against racism such a scope that they would become unenforceable.[53]

A more serious redefinition is that any belief or claim that there are human races is *already* racist, independent of any evaluation of these races. For Delacampagne, a racist is anyone who believes in the existence of races "*even* if one refuses to make value judgments concerning them or

51. Christian Delacampagne, *Figures de l'Oppression* (Paris: PUF, 1977), p. 151.

52. Christian Delacampagne, *L'Invention du Racisme. Antiquité et Moyen Age* (Paris: Fayard, 1983), p. 46.

53. Thus, according to Colette Guillaumin: "To introduce into racism such things as group hostilities, whose characteristics, conscious and unconscious, are totally alien to the concept of race, is to deny racism, to eradicate it by trivializing the term." See *L'Idéologie Raciste. Genèse et Langage Actuel* (The Hague: Mouton, 1972), p. 71.

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to establish a hierarchy among them."[54] This is a relatively recent position; it would not even have occurred to the most committed anti-racists several decades ago. It is supported by a concomitant claim that "current science disproves the existence of races." It marks an important turning point in the evolution of anti-racist discourse, which traditionally has wavered between two contradictory ideas: first, that biology is *insignificant* in relation to social phenomena; and, second, that biology *disproves* racist claims. This new position, i.e., that it is racist to hold that races even exist, has a semblance of coherence about it: racist ideology uses the existence of different races as its point of departure for arguing for their inequality; if races could be shown not to exist, then racist ideology would fall apart. But construing racist ideology as pure discourse is an over-intellectualization: by eliminating the word, one hopes to eliminate the thing!

Aside from this position's undeniably ideological motivations,[55] the view is based on the fact that, since the end of the 1950s, because of the emergence of "population genetics," in the scientific community the term "race" has been increasingly replaced by that of "population." Research on gene frequencies and genetic pools have displaced traditional morphological studies of phenotypes. Writers such as A. E. Mourant or Jacques Ruffié have played an important role in this evolution — an evolution encouraged by recent progress in immunology and geographic hematology, by the discovery of numerous new blood groups, of "genetic markers," of the HL-A system, etc. Some population geneticists have suggested that the study of genetic modulations and "distances" between genetic pools do not support the concept of "traditional" races; that variations within a "race" are more important as differences between various "races." Clearly, races have more characteristics in common than those distinguishing them, and there is no clearly defined boundaries between them, not only due to the fact of interracial reproduction, but also because one finds between these various, traditional "racial types" all sorts of "intermediary types." This has led some to conclude that races "do not exist." Deprived of its operational value and of its objective biological

54. Delacampagne, *L'Invention du Racisme*, *op. cit.*, p. 37.

55. Albert Jacquard poses the question as follows: "When one considers all the biological implications as well as all the doctrinal and political theories indelibly attached to the word 'race,' would it not be prudent to eliminate the word, as one would dispose of a dangerous or useless tool?" See his "A la Recherche d'un Contenu pour le Mot 'Race'," in Maurice Olender, éd., *op. cit.*, p. 39. See also Ashley Montagu, ed., *The Concept of Race* (Glencoe,IL: Free Press, 1964), which suggests that a good reason for abandoning the word "race" is that it produces in the layman "emotionally confused reactions" (p. 24).

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basis, the notion of race becomes pure fiction.

This dismissal of the idea of race is accompanied by claims concerning the benefits, or at least the biological harmlessness, of miscegenation. Such a viewpoint, rare in the past, has some precedents. In the 19th century this position was held by Michelet (who devoted a chapter of his 1833 *Histoire de France* to "The Unhappy Destiny of Those Races Which Have Remained Pure"), as well as by Armand de Quatrefages (1810-1892), according to whom "the future belongs to races which have intermarried." This position has also been vigorously advocated by Jacques Ruffié[56] in respect to the intermarriage of whites and blacks. The point here is not to examine this viewpoint, which is the result of a profound change of outlook,[57] but to note that it arises from a double paradox. On the one hand, if races do not exist, it is strange to suggest that they can intermarry. (The same applies to multiracial societies: it is difficult for races to be many and non-existent at the same time.) On the other hand, it is no less paradoxical to claim that the question of miscegenation is "settled" since it poses no biological problem, while rightly emphasizing that in human society, socio-cultural factors are far more important and decisive than biological ones. In fact, hostility to miscegenation may very well be inspired by cultural or religious considerations having nothing to do with racism.[58] Moreover, it is well known that in societies where there are many interracial marriages, the social status of these married couples depends, to a large extent, on their closeness to the dominant racial phenotype — all of which impacts on the marriage and on genetic selection.

The thesis according to which "science considers the idea of race

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56. See Jacques Ruffie, *De la Biologie à la Culture* (Paris: Flammarion, 1976); *Traité du Vivant* (Paris: Fayard, 1982). On miscegenation, see K. F. Dyes, *The Biology of Racial Integration* (Bristol: Scientechnica, 1974), p. 446.

57. See W. B. Provine, "Geneticists and the Biology of Race Crossing," in *Science*, No. 182 (1973), p. 790, which discusses the role played by political and ideological factors.

58. In *Information Juive* (April, 1985), one finds the following: "It seems inappropriate to place the issue of mixed marriages within the framework of racism. Opposition to a mixed marriage is not necessarily motivated by racism and often has nothing to do with racism. We Jews know that mixed marriages frequently entail troubling consequences that affect relations between married couples, the unity and future of their family life, their children's education, the continuation of our traditions, our religion, even the survival of our people. Who can deny that often the result of this type of marriage, in addition to cultural conflict, is the weakening, even the disappearance of certain minorities?" Regine Lehmann writes: "One who recognizes differences between individuals is not a racist, but rather a racist is someone who claims to be superior to another because of difference. The rejection of mixed marriages is not a manifestation of racism, but reveals, rather, the desire to maintain Jewish identity." "L'Enfant et l'Antisémitisme," in *Hamoré* (January 1981), p. 9.

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inoperative" (non-existent, without foundation, etc.) and maintains that it would be racist to hold the opposite, runs into numerous problems. First of all, this thesis treats "science" as a field of knowledge where positions are unanimous, which is certainly not the case. It is striking that, on the issue of the existence or non-existence of races, the non-existence of races is most firmly proposed by scholars whose disciplines are the farthest removed from anthropology. Scholarly certitude on this issue seems to increase with the distance of one's discipline from anthropology: a large number of journalists, a considerable number of sociologists and psychologists, a few population geneticists, but very few anthropologists. To that group may be added politically involved scholars (Albert Jacquard, Ashley Montagu, Steven Rose, Leon Kamin, Richard Lewontin, et al.), whose motivations are probably complex. Clearly, however, there is no unanimity on the issue, and this is confirmed by recent anthropological publications which continue, now more than ever, to use the concept of race and in no way question the existence nor the operational validity of racial realities.[59]

In the course of a UNESCO colloquium in Athens (March 30-April 3, 1981) meant to denounce the "various pseudo-scientific theories invoked to justify racism and racial discrimination," the three following (contradictory) positions were proposed: that the concept of race "in the human species does not correspond to any reality that could be objectively defined"

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59. In a volume published by UNESCO against racism, L. C. Dunn writes: "I believe that we need the term 'race' to designate a biological category which, however difficult to define, nonetheless constitutes a very real element in the structure of human populations on earth. It seems preferable to define this term, to explain its use, and to extricate it from its harmful or erroneous reception, rather than to push it aside, purely and simply; thus refusing to resolve the problem." See L. C. Dunn, "Race et Biologie," in *Le Racisme devant la Science* (Paris: Unesco-Gallimard, 1960), p. 291. The author reaffirms his position in a later edition (Paris: Unesco, 1973), pp. 103-104. The geneticist Theodosius Dobshansky asks: "Is it not preferable to explain to people the nature of racial differences rather than to pretend that they do not exist?" See his *Le Droit à l'Intelligence. Génétique et Égalité* (Bruxelles: Complexe, 1978), p. 63. The anthropologist Andor Thoma takes on those who, he says, "would like to make physical anthropology disappear in favor of population genetics." Maintaining that "mathematicians become charlatans when they begin to speak as if they were geneticists," he takes strong exception to any effort, purely ideological in his opinion, to "make race invisible." "After the abuses of a Hitler," he writes, "this goal (to make race invisible) was humanly understandable, but it was in no way scientific. Today, the failure of blood taxonomy is admitted by all the experts . . . The supposed contradiction between morphological anthropology and hematology is artificial." See *L'Anthropologie*, Vol. LXXXIV (1981), p. 130. See also Albert Jacquard response in *L'Anthropologie*, Vol. LXXXV (1982), pp. 700-701.

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(Albert Jacquard);[60] that, for humans, race is a "biological reality" (Lalita Prasad Vidyarthi);[61] and that the theory of the non-existence of races is "a false ideology" (Eviatar Nevo).[62] Thus, there is no agreement, even among scholars with a similar orientation and outlook. Sometimes similar contradictions can be found even within the work of a single author![63] In fact, the idea of race is almost as old as humanity itself. The first racial classification can be found in the Bible, in the passage dealing with "Noah's lineage."[64] Since then the word "race" has been employed in a metaphorical sense, as a synonym for "nation," "people," "lineage," "stock," "house," "extraction," etc. In the 18th, and especially in the 19th century, the flowering of the exact sciences facilitated cutting back on these many meanings, which only caused confusion and encouraged more rigorous definitions. For modern writers races are populations, differing from one another according to the incidence of certain genes[65] and according to the frequency of certain hereditary traits whose phenotypic appearance more or less allows one to recognize visually their members.[66] Among all the definitions proposed, the following is Gloor's: "Race is a variety of the species *Homo sapiens L.*, constituted by a group of human beings distinguishable from other groups by a complex of hereditary characteristics: anatomical and physiological (and probably also psychological), all observed over several generations, to the exclusion of all characteristics acquired through education, tradition, or social influence."[67]

Moreover, some population geneticists' arguments in support of the

60. See *Racisme, Science et Pseudo-science* (Paris: Unesco, 1982), p. 32.
61. *Ibid.*, p. 52.
62. *Ibid.*, p. 86.
63. In his various publications, Albert Jacquard insists that the concept of race does not correspond "to any objectively definable reality." However, in *L'Anthropologie*, *op. cit.*, he writes: "It would be absurd, in the name of antiracism, to try to demonstrate that races do not exist." And he adds: "In view of four billion and a half human beings, it is, to the contrary, quite natural to try to classify them into groups which are biologically homogenous. Such research is in no way racist, as long as it does not attempt to establish a preferential hierarchy between these groups."
64. *Genesis* 9-10. A number of racist authors, particularly in the American Protestant tradition, have argued from the curse of Cham (Hâm) and his descendents by Noah as justification for segregation ("Cursed be Canaan. The lowest of slaves will he be to his brothers," *Genesis*, 9, 25). There has been a long-standing tradition, for some, of seeing in Canaan (Kena' ân) the ancestor of black peoples.
65. Dobzhansky, *op. cit.*; W. C. Boyd, *op. cit.*
66. A. M. Brues, *op. cit.*
67. Pierre-André Gloor, "A propos de la Xénophobie et du Racisme," in *L'Anthropologie*, Vol. LXXXIV (1980), No. 4, p. 586.

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claim for the "non-existence" of races seem questionable. Consider the one based on the continuity between racial groups, found as early as 1843 in J. C. Prichard's *Histoire Naturelle de l'Homme*. It is based on the continuity of genetic matter and human morphology and on the vast extent of intraracial variations. Thus, Jacques Ruffié writes: there is no "biologically empty space" between the races; on the contrary, there is one continuous strand. Well, this is obvious! Whoever claimed that there is not a common genetic thread running between all races? The presence of intermediaries has never been an argument against the "extremes" and the existence of intermediate ethnic groups does not discredit the idea of race any more than the idea of "intermediaries" between the young and elderly, between the dwarf and the giant, between hot and cold discredits the ideas of age, height, or temperature. "The Alps and the Apennines are linked by mountains of low altitude," observes Andor Thoa, "but the Alps exist, as do the Apennines." Dobzhansky writes: "To take the position that races do not exist because they do not constitute strictly defined groups is a return to the worst typological errors. It is almost as logical as claiming that cities do not exist because the countryside which separates them is not totally uninhabited."[68] Moreover, the same reasoning could be used to prove that the definition of species, indeed even of genus, is just as conventional and arbitrary as that of race. . .[69]

Emphasizing the importance of intraracial variation and the relative absence of "genetic distance" between the major racial groups does not lead much further. Recent research suggests that about 10% of racial differences can be attributed to biological variations within the human species.[70] The significance of these statistics seems very weak when one realizes that "genetic distance" between man and some higher primates is also very limited. Solely in terms of genetic frequencies, there is a greater "proximity" between man and the chimpanzee than between the

68. *Op. cit.*, p. 67.

69. In some instances, the attribution of the qualifier *Homo* in paleontology is controversial (such as *Homo Abilis*), just as is the qualifier *Sapiens* (e.g., in the case of the Neanderthals).

70. See M. Nei and A. K. Roychoudhury, "Genetic Variations Within and Between the Three Major Races of Man: Caucasoids, Negroids, and Mongoloids," in *American Journal of Human Genetics*, No. 26 (1974), pp. 421-423. This article studies variations between the chemical components found in the blood codons of the three major races. The results obtained confirm those of Latter (1980) and Lewontin (1972). J. B. Mitton, "Genetic Differentiation of Races of Man, as Judged by Single-Locus and Multilocus Analysis," in *American Naturalist*, Vol. CXI (1977), pp. 203-212, revises downward Lewontin's estimates on the scope of interracial variation.

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chimpanzee and the gorilla — or even between certain human groups and others![71] Moreover, most human blood types are found in the monkey, along with blood types unique to simians.[72] The organization of chromosomes in man and the chimpanzee is so close that it is almost impossible to explain their phenotypic differences based only on chromosomes.[73]

Lack of agreement between some population geneticists and bioanthropologists (or physical anthropologists) stems from the fact that the two disciplines do not share the same starting point. Geneticists take into consideration only characteristics whose genetic hereditary nature has been established beyond question (the amount of melanin, the presence of lactose, the rhesus system and the seriological properties of the blood, the HL-A immune system, etc.). Starting with these, geneticists establish the existence of genetic pools which, very often, do not correspond to racial groups. On the other hand, anthropologists start with existing populations and their actual phenotypes to identify and classify characteristic morphological types, defined by apparently hereditary characteristics, even if the mode of genetic transmission of these characteristics has not yet been identified or if it is not yet possible to quantify the genetic distance for these characteristics as regards individuals and groups (a classic example: eye color). In other words, anthropologists start with common perception, while population geneticists "construct" populations which do not necessarily correspond to this understanding. Under these circumstances, it is not surprising that the idea of race, while operative for the one group, is not for the other: thus the sometimes tumultuous relations between the two disciplines.

At any rate, population geneticists tend to underestimate recent advances in biotypology (Czekanowsky, Wanke) and in paleoanthropology (Yves Coppens, Henry de Lumley, Andor Thoma, Poulianos, Vlcek); nor do they take into account the fact that contemporary bioanthropology is tending more and more to abandon the Linnean concept,

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71. Immunological and sequential comparisons carried out on 12 proteins and involving a total of 2,633 amino acids have revealed that only 19 amino acids "separate" man from the chimpanzee. See Marie-Claire King and A. C. Wilson, in *Science*, No. 188 (1975), p. 107, who estimated at 0.62 the genetic "distance" between man and the chimpanzee.

72. See Wladyslaw W. Socha and Jan Moor-Jankowski, "Blood Groups of Anthropoid Apes and their Relationship to Human Blood Groups," in *Journal of Human Evolution*, No. 9 (1979), pp. 453-465.

73. See Jorge J. Yunis, Jeffrey R. Swayer and Kelly Dunham, "The Striking Resemblance of High-Resolution G-Banded Chromosomes of Man and Chimpanzee," in *Science* (June 6, 1980), pp. 1145-1148.

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based solely on resemblance from which an ideal type or prototype was deduced, in favor of Victor Bunak's approach, which sees race as a unity of phylogenetic derivation, recognizable by a small number of objective criteria.[74] Of course, this is not to deny the merits of population genetics, but only to point out its limitations. A study of the geographical distribution of gene frequencies would not exhaust what can be known about human populations. Moreover a number of immunological properties are not unique to the human species. Many of them cannot to this day be organized into a coherent system.[75] Population genetics thus risk creating "artificial" populations which do not correspond to populations as commonly understood.[76] It should also be remembered that the goal of scientific knowledge is, above all, to explain, clarify, and deepen common understanding — not to mask it or to transform it into an optical illusion.

Aware of the complexity of the issue, André Langaney has adopted a middle course: "It is no more reasonable to ignore morphological data to create 'a purely genetic' history of man than to dismiss 'so-called genetic anthropology' as do classical anthropologists. It would be better to seek out the sources of conflict between the two types of data, by studying the bias of each."[77] Furthermore, recent studies have shown that the results obtained by population genetics, when properly interpreted, in

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74. Thus, there are as many races as there are geographical combinations of morphological characteristics. This is close to the method of taxonomy called "cladistic": racial relations are linked to the identification of common derived characteristics, and not primitive common ones. See Andor Thoma, "Taxinomie, Phylogenèse et Génétique," in *Bulletin et Memoires de la Société d'anthropologie de Paris*, Vol. XIII, No. 5 (1978), pp. 287-294).

75. R. Riquet writes: "The results from blood typing appear to be inferior to those of classical anthropology with reference to the study of human groups. Anyone can, individually, recognize a Malaysian, a Melanesian, a black, or a Moï, but blood typing is incapable of doing so. However, the study of population dynamics and of hybridization cannot be carried out without blood typing, as was proven by D. F. Roberts in reference to African blacks, by J. Benoist in the Antilles, and by the school of Ruffié in Indochina. Blood typing should not be discouraged, but it needs to give up its pretension of replacing current anthropology." See his "History of Anthropology in Europe," in *Journal of Human Evolution*, No. 7 (1978), p. 461.

76. As Wiercinski has stressed: "One must not forget that population genetics is merely based on models and that those models applied to the study of race by geneticists are extremely simplified, reminding one of a dark cloud, composed of dust particles assembled by chance, masking the real characteristics of each human individual."Wiercinski, in *Current Anthropology*, Vol. IV, No. 2 (1963), p. 203.

77. André Langaney "Diversité et Histoire Humaines," in *Population*, No. 6 (1979), p. 999.

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no way contradict the findings of a traditional bio-anthropological approach and sometimes they even support the results obtained by more traditional approaches.[78]

On a more practical level, to the extent that it mimics militant antiracism, the theory of the non-existence of races may betray a certain naiveté. Does anyone really believe it possible to make racism disappear by *fictionalizing* race? While the "genetic distance" between a Breton and a Senegalese may well be less than that between a Breton and a Picard, even knowing this the Breton will surely feel "closer" to the Picard than to the African black. This is due to what might be called common perception. Geneticists may well stress that genetic pools do not necessarily correspond to phenotypes, but it is not genetic pools that the average person meets on the street. Racists observe the existence of populations which appear, rightly or wrongly, as clearly different at every level (physical, social, cultural, etc.), and from this they draw the wrong conclusions as to the presumed "superiority" or "inferiority" of the ones or the others. It is unlikely they will change their attitude upon learning that "races do not exist" and that somehow they have been the victims of an illusion. According to Dobzhansky, there is the risk "that such a denial of race will only diminish the credibility of those scientists who uphold such a position."[79]

Ultimately, the issue for the militant antiracist is not so much whether races exist or not, but to understand that, in any event, races are *perceived as existing*, and that what is important is that hierarchical and denigrating conclusions are no longer reached. The difficulty with this is that a racist reaction does not begin merely with the perception of bio-anthropological difference, but also (and perhaps primarily) with the perception of socio-cultural difference. Significantly, anti-Arab xenophobia is much more widespread in France than anti-black xenophobia, although the "racial distance" is much less between the French and Arabs than between the French and black Africans. One must also take into consideration the essential role that the *imaginary* plays in the process of denigrating symbolization which governs much of racist reaction. As Guillaumin writes: "race" is, above all, a signifier; the suggested non-existence of race as a signified will make no difference

78. See, e.g., Sanghvi, "Comparison of Genetical and Morphological Methods for a Study of Biological Differences," in *American Journal of Physical Anthropology*, Vol. XI (1953), p. 3. See also Jean Bernard, *Le Sang des Hommes* (Paris: Buchet-Chastel, 1981).

79. Theodosius Dobzhansky, *Le Regard Éloigné* (Paris: Plon, 1983), p. 63.

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whatsoever as regards racist reactions. "Imagined races and real races play the same role in the social process and are thus identical as regards their function. This is the crux of the sociological problem. It is important to understand the sociological reality of 'race' precisely at that point where real and imagined races take their place in the larger social process. Trying to determine what is concretely true or objectively false in racial perception is inadequate: it settles for a *status-quo* of racial realities. Merely studying the bases for current racial realities does not address the sociological problem."[80]

There is a final and very different objection to the claim according to which "science refutes the existence of races." Even if this is wrong, the meaning of the word "refutes" needs to be examined. In other words, does racist ideology operate on the level of "proving" and "disproving," or, rather, more on the level of interpretation? Further, is it possible, without falling into the most banal scientism, to turn to "science" to establish the truth or falsity of various ideologies? To claim that, in the past, racist theories have only been upheld on "pseudo-scientific" grounds may comfort the devout antiracist, but it is not true. From Linné and Blumenbach to Otmar von Verschuer, as well as to Vacher de Lapouge and many others, the "scientific" qualifications of a number of racist authors are beyond doubt. It would be mistaken to believe, with many racists, that racism is firmly grounded in science, or to believe, with some antiracists, that the authors in question are only "pseudo-scientists."

One problem is that "scientists" are no less vulnerable than others to propaganda and ideologies; if the history of science teaches anything, it is that knowledge has never protected anyone from erring.[81] More fundamentally, the problem is that science only operates in the *descriptive* mode. As Nietzsche put it: "Science never creates values."[82] When science "says" that one cannot found a racist theory scientifically, it does not refute racism any more than it upholds antiracism. It only refutes one thing: that one can provide a scientific basis for anything having to do with ideological preference — be it racism or antiracism. According to Jean-Pierre Dupuy: "Science has paid a price for basing itself on a single operational mode (to which it has owed and still owes its prodigious success). The price has been

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80. Guillaumin, *L'Idéologie Raciste*, *op. cit.*, p. 63.

81. The literature on this topic is extensive. See especially Thuillier, *Darwin & Cie*, *op. cit.*; Michael Billig, *Ideology and Social Psychology* (Oxford: Basil Blackwell, 1982).

82. Friedrich Nietzsche, *Généalogie de la Morale*, in *Oeuvres Complètes*, Vol. VII (Paris: Gallimard, 197)1, p. 339.

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that it has nothing to say about desirable behavior in human affairs."[83] Celestin Bougle also insisted on this at the outset of the 20th century: by nature science is mute on the necessity or inappropriateness of hierarchies, simply because it excludes, by virtue of the type of knowledge it establishes, all reference to values. As such, science has nothing to say for or against equality or inequality."[84]

By definition, science is contingent and subject to revisions: the work of science is never finished, but always evolving. From this viewpoint, to base antiracist arguments on science is, inevitably, to leave them *in a state of suspension.* More seriously, such a strategy would imply, *nolens volens*, that the racism "condemned" today by science could, in the future, cease to be so. As Thuillier notes: "When it is a question of determining our practical attitude towards blacks, Arabs, or Indians, it is dangerous to give a decisive role to so-called scientific data. To angle for a 'yes' from the experts, whether one intends it or not, is to allow that their negative response could make acceptable or even legitimate certain forms of segregation, racism, etc."[85] In fact, "scientific racism" is the mirror image of "scientific antiracism": both stem from, if not scientism, at least from a misunderstanding of science.

Ultimately, the claim that the simple observation of the existence of races stems from "racism" is untenable. It implies, bizarrely, that perception of races can only lead to negative evaluations. More seriously, it burdens well-reasoned antiracism with a belief that risks compromising its credibility. In the end, the denial of the reality of race is reminiscent of the Sartrian theory of "for the Other," according to which the Other (the black, the Jew, the woman, etc.) only exists as such in the mind of the perceiver, and through the bias of the gaze. This position runs into the same difficulties as Sartre's denial of the actual existence of the Other and resolves nothing. One cannot eliminate a shared perception, even in the name of "science," by branding it as an "illusion." Rather, it is more reasonable to follow current thinking, which sees racism as beginning with a *value judgment*, i.e., with a shift from *description* to *evaluation* (and to the *objectification* of that evaluation). Jean Rostand

83. Jean-Pierre Dupuy, "Role de la Différenciation dans les Structures Sociales," in *Différences et Inégalités*, (Différences, 1984), p. 58.

84. Ernst Mayr writes: "Equality is a social and ethical concept but not a biological one." See *Populations, Espèces et Évolution* (Paris: Hermann, 1974), p. 440).

85. Pierre Thuillier, "Les Scientifiques et le Racisme," in *La Recherche*, No. 45 (May 1974), p. 459.

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has distinguished "racial truths" from "racist lies": "To be antiracist does not imply denying the existence and endurance of racial differences — which would be scientific naiveté. Rather, antiracism implies denying that in the human species there are races which are superior to others. Most of all, racism implies denying . . . that certain races may abrogate to themselves the right to mistreat or even disdain other races."[86] Memmi has expressed a similar view: "Racism only begins with the interpretation of differences."[87] This is also the position of most of those who have studied the question seriously.[88]

The idea that some mental or behavioral traits can be inherited or that a particular genotype can condition the expression of these traits is no more "racist" than the "belief" in the existence of races. The opposite position, according to which cerebral activity is exempt from any biological determination, stems from a theory of acquired traits — a position today universally discredited. Or it can stem from a metaphysical position upholding the Cartesian distinction between body and mind. Today, however, the old debate over the innate and the acquired appears a bit obsolete. Biological determination of certain psychological characteristics never implies more than potentiality, which leaves room for the influence of social conditioning; the former does not rule out the latter.[89] On the other hand, to regard biological factors as a realm of fatalism and socio-cultural ones as the domain of freedom is to fall once again into the racist reasoning which starts by naturalizing and biologizing social realities and ends up claiming the inevitability of inequality. The environment is no more influential than the potential abilities the

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86. Jean Rostand et Andrée Tétry, *L'Homme. Initiation à la Biologie*, Vol 2 (Paris: Larousse, 1972), p 319.

87. Memmi, *Le Racisme*, *op. cit.*, p. 37.

88. François de Fontette writes: "The existence of human races as such does not have to be questioned; racism is not bread by the mere admission of the existence of races." See *Le Racisme*, 4th edition (Paris: PUF, 1981), p. 7. The population geneticist, Jean Marie Legay writes: "As for the existence of races (which can, in fact, lead to the celebration of difference), or the (more subtle) existence of population groups (which, when acknowledged, can lead to most interesting medical or agronomical measures), it is neither of these which leads to racism. Rather, it is a *value* judgment made by *someone other* that leads to racism." See "Pour une Sociobiologie," in *Révolution* (February 1, 1985). According to the Institute of Jewish Affairs: "Acknowledging that races exist, or even venturing an opinion on the appropriateness or inappropriateness of their mingling, does not constitute racism." See *Patterns of Prejudice*, Vol. XVIII, No. 4 (October, 1984).

89. Ernst Mayr has observed: "It is the partisans of environment theory who claim that behavior owes nothing to heredity. The partisans of heredity have always maintained that both factors play their role." Interview with the journal *Omni* (February 1983), p. 119.

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individual inherits at birth, and the environment is no more easily modified. Man is a unified whole, body and mind: he shapes himself, starting with inherited materials, and through actual social relations and lived experiences, different for each person.

Kriegel is right in criticizing those who hold that "antiracism" implies impugning the concept of "hereditary behavior."[90] In this regard, he shares the viewpoint of all those who argue systematically in terms of interaction[91] or co-evolution.[92] Aron has written that "intellectual skills are conditioned, not determined, by the genetic patrimony."[93] Today, it is commonly held that heredity determines, not culture, but the ability to acquire culture.[94] Lévi-Strauss has reversed the equation, claiming that race is a function of culture: "Each culture selects genetic aptitudes which, by retroactive effect, influence the culture which had first contributed to their development." The result is that "human evolution is not a by-product of biological evolution, nor is it completely distinct from it," so that "collaboration becomes possible between racial and cultural studies."[95]

There remains the task of examining a last attempt at redefining racism by improperly and excessively broadening the term. This is Taguieff's work, which has skillfully set about establishing the parameters of what he calls "*racisme différentialiste*" (or "*racisme identitaire*").[96] By this designation, Taguieff describes discourse which proceeds by focusing on the theme of *difference* and *identity*, with emphasis on the essential role of difference. Through semantic maneuvering, difference is established as an

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90. Kriegel, *op. cit.*

91. See J. Benoist, "Du Social au Biologique: Étude de Quelques Interactions," in *L'Homme*, Vol. VI (1966), p. 1.

92. See Napoleon A. Chagnon and William Irons, eds., *Evolutionary Biology and Human Social Behavior. An Anthropological Perspective* (North Sciutate: Duxbury Press, 1979); Charles J. Lumsden and Edward O. Wilson, *Genes, Mind, and Culture. The Coevolutionary Process* (Cambridge, Harvard University Press, 1981).

93. Aron, *op. cit.*, p. 84.

94. Dobzhansky writes: "Human genes permit man to acquire a culture with relative ease, but contrary to the belief of most racists, human genes do not determine which culture he is going to acquire." See *Heredity and the Nature of Man* (London, 1964), p. 143.

95. Lévi-Strauss, *op. cit.*, pp. 42-43.

96. See especially Pierre-André Taguieff, "Le Néo-racisme Différentialiste. Sur l'Ambiguité d'une Évidence Commune et ses Effets Pervers: l'Éloge de la Différence," in *Langage et Société*, No. 34 (December 1985), pp. 69-98. Cf. also "Les Présuppositions Définitionnelles d'un Indéfinissable: 'le Racisme'," *op. cit.*, pp. 96-117; "L'Identité Française au Miroir du Racisme Différentialiste," in Jacques Tarnero and Martine Storti, eds., *L'Identité Française* (Paris: Tierce, 1985), pp. 96-117.

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absolute, a "closed totality." It is claimed that this "*racisme différentialiste*" differs from inegalitarian racism — from "ordinary racism" — just as "difference of nature differs from difference of degree." This form of racism does not make negative value judgments about other races. Rather, it is essentially *heterophile*. Thus, it is depicted as "a racism which masquerades as intelligent antiracism." This masking of its true nature is not easily understood, because it uses a vocabulary which suggests neither rejection nor denigration. Therefore, it manages to put "classical" antiracism on the spot since it is then supposed to undertake its own "*aggiornamento*" and subsequently to abandon its "defense of difference." At this point, heterophilia and heterophobia meet in a "zone of almost total equivocation." Impelled, not by a fear of equalizing everything and everyone, but by a dread of any "*mélange*," differential racism is considered worse in some respect than inegalitarian racism, because by treating races as entities that cannot really understand each other, it implies the impossibility of communicating between cultures and, inevitably, the acceptance of forms of *apartheid*.

Methodologically, one may wonder to what an extent the "reading" in "differentialist discourse" is not based solely on the reader's intention. Here the emphasis is on "ruses," "camouflages," and other strategies of diversion, of euphemisms, or of semantic substitution — all of which are used and abused by this discourse. These are processes which allegedly are "hardly noticeable to the uninitiated" and thus demand a "close critical textual reading." In short, such a reading demands the skills of those who know how to read between the lines. All of this inevitably leads one to question the validity of the entire process. Differentialist discourse, properly understood, demands attentive critical reading, because it is supposed to mean *something other than it actually seems to claim* (the intended audience of the message is presumed to be able to *decode* the message without being misled by the previously discussed strategies). But does this not risk falling into circular reasoning such as: "the proof that they are racist is that they maintain that they are not racist" (the approach of confirmation by denial)? Because such reasoning is present in the analyst's mind, does it follow that the same thoughts are really those of the person whose discourse is being analyzed? As Taguieff has pointed out, this theory of a differentialist racism raises a fundamental objection: the very concept of "difference as an absolute" is a contradiction. To posit *difference* implies the possibility of comparing commensurable entities. One can only differ *in relation* to an Other, perceived as

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different. A difference established as an absolute is no longer a difference. The contradiction is evident: either difference is not absolute (in which case differential racism falls apart) or difference is an absolute, in which case there is no longer any real "difference" — nor any "differential discourse." As for apartheid, it is too easily forgotten that what characterized it was not a separation willed by one party or the other, but a separation *imposed* and accompanied by *domination.*

Finally, the hypothesis of a "differential racism" has the disadvantage of putting antiracism in a bind. If racism can be considered as either heterophile (or raciophile) *or* as heterophobic (or raciophobic), then the very definition of *antiracism* becomes problematic. As Taguieff puts it: it is caught between the contradictory imperatives of fighting, at one and the same time, against phobia of the Other, and against an excessive apology on behalf of difference. The antiracist must walk a narrow path that bears all the appearances of a double bind. Then what should the antiracist advocate? Silence? Indifference? The elimination of collective identities (but that would not seem to respect the Other)? Taguieff proposes a "universalism without the proposal of a single model." That however, seems akin to proposing a square circle.

There are certainly ways of speaking about "differences," which turn difference into a fundamental obstacle to all communication. Similarly, discourse can be used for "strategic" purposes and serve intentions other than those explicitly expressed. But that is true for all discourse — and the discourse of suspicion can itself become suspect! On the other hand, when the right to difference is clearly presented as a *right* (of peoples to maintain their identities) and is not seen as an obligation imposed (by whom? in whose name?); when difference is also presented as what it is, and not as an absolute (in which case it would cease to be a difference); when the principle of difference is vigorously defended to the benefit of all groups, and not only to the advantage of some; when, moreover, difference is not based on biological, ethnic, or racial data, then one fails to understand how so-called "differentialist" discourse could be considered "racist," unless, of course, one considers "racism" as the source for a "drive" so general, so universal, as the desire of whole groups to perpetuate themselves in the future without loss of their past identity.

In truth, it is the diversity of the human race which creates its richness, just as it is diversity which makes communication possible and gives it value. Diversity of peoples and cultures exist, however, only because, in the past, these various peoples and cultures were *relatively isolated* from

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one another. According to Lévi-Strauss, one cannot both uphold diversity and be unaware of the fact that "this diversity results, in large part, from the desire of each culture to be different from all those peoples nearby, to distinguish themselves from them, and, in short, to be themselves."[97] It follows that total "transparency" in human relations would lead to the same result as total closure. In other words, communication can only be *imperfect*. Without this imperfection, it would lose its *raison d'être* and its very possibility of existing. Again, Levi-Strauss writes: "One cannot, at one and the same time, lose oneself in the enjoyment of the Other, identify with him, and maintain oneself as different. Total, integral communication compromises, in the short or the long term, both one's fundamental integrity and that of the Other. The great creative epochs were those when communication had become sufficient so that various groups, though apart, stimulated each other, without the interaction being so frequent and easy that obstacles, which are indispensable between individuals, as they are between groups, dwindle to the point that interaction becomes so facile as to neutralize and nullify their diversity."[98]

The dialectic of Self and Other goes back to Plato's *Sophist*. Following the example of many contemporary movements (one need only think of neo-feminism), antiracism has fluctuated between "respect for differences" and "egalitarianism." There is a racism which absolutizes the Other in order to create a Totally Other with whom no one can have anything in common. There is another, more perverse racism which absolutizes the Same and, in the name of Same, challenges the very idea of difference. The Other can then be denied twice: either one destroys the Other's very difference or, in a more subtle way, one denies that there is an Other. The approaches are different, but they come to the same results: the suppression of difference, whether by acting in such a way that difference no longer exists, or by acting as if difference never did exist. According to Henri Lefebvre, this is an age when the forces for "homogeneity" confront the powers opting for "separation," and the struggle is titanic.[99] In such an age, antiracism should struggle, head on, with these two approaches. This implies learning the value of difference as the prerequisite for a dialogue respectful of each group's identity. It also implies understanding that it is not so much the perception of differences which provokes racism, as the feeling of the disintegration of identities, which

97. Lévi-Strauss, *op. cit.*, p. 15.
98. *Ibid.*, pp. 47-48.
99. Henri Lefebvre, *Le Manifeste Différentialiste* (Paris: Gallimard, 1970).

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then leads to recreating identities in pathological ways and from the perspective of racial xenophobia.

"It is time," wrote Guy Michaud,[100] "to develop a strategy for interethnic and intercultural relations, based not only on respect and understanding, but on the reality of differences." This is also Irenäus Eibl-Eibesfeldt's view: "One often hears the argument that only a single worldwide civilization, with a total mixture of all races, would resolve the tensions and conflicts between groups. That does not appear to me necessary or desirable. If one could teach man to be tolerant, i.e., to be ready to understand and accept other life-styles both within civilizations and between various peoples, then ethnocentrism will find itself defused without it being necessary for groups to surrender their cultural uniqueness nor pride in their own civilization. Establishing peace among peoples need not be accomplished over the dead bodies of civilizations and races."[101]

100. Guy Michaud, "L'Ethnotype comme Système de Significations," in Guy Michaud, eds., *Identités Collectives et Relations Interculturelles* (Bruxelles, Complexe, 1978), p. 33.

101. Irenäus Eibl-Eibesfeldt, *Par delà nos Différences* (Paris: Flammarion, 1979).

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*Causal Nexus? Toward a Real History of Anti-Fascism and Anti-Bolshevism**

Gerd Koenen

The question of whether there was a "causal nexus" between Bolshevism in the Soviet Union and National Socialism in Germany is far older than the *Historikerstreit*. Ernst Nolte's controversial thesis implied that the formation of the Nazis as a party (NSDAP) and a movement, and their subsequent rise to power were hardly conceivable without the German bourgeoisie's basic fear of Bolshevism; the Nazis' exterminatory anti-Semitism was only a sort of response to, and the interpretive reversal of, the looming expectation of a Sovietized Germany. Thus, Bolshevik "class genocide" provided the historical model for Nazi "race genocide," the annihilation of European Jews.

Nolte's thesis was only a mirror-image of the postwar mythology of communist anti-fascism, according to which Stalinist collectivization and the Great Terror of the 1930s were merely prophylactic precautionary measures or simple reactions to the "deadly threat" of a rising National Socialism and its plans in the East. Thus, the fact that the Soviet leadership put the entire country on a war footing and pursued industrialization and re-armament irrespective of human casualties appeared extremely

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* This article originally appeared as "Ein kausaler Nexus? Zur Realgeschichte des Antifaschismus und Antibolschevismus," in Gerd Koenen, *Utopie der Säuberung. Was war der Kommunismus?* (Berlin: Alexander Fest Verlag, 1998), pp. 191-214. Translated by Michael Richardson

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prescient. Even in the West, many people were ready to see things that way. In particular, this attitude corresponded to the feelings of many Soviet citizens in light of the historical 1945 victory. The fascists and the German invasion were blamed for all their sufferings and depravations, even for the millions meaninglessly "repressed," who disappeared, or died in the prime of life. Revolution, civil war, collectivization, cleansing, and world war, melted into a single epoch of blood and iron.

This does not alter the fact that such a view has nothing to do with 1930's realities. The rise of National Socialism was in no way seen negatively by Moscow, but rather as part of German revanchism against the Versailles Powers — a revanchism that had become virulent during the world economic crisis, and on which certain hopes could be pinned. The secret relation between the *Reichswehr* and the Red Army was tense, but useful. In the course of the five-year plan, technical and economic collaboration between both countries intensified. In February 1931, a grand delegation of German business magnates — from Krupp to Borsig, to Klöckner and Siemens — went to the USSR. The company heads returned impressed, and pressed the German government to secure the promised "Russian orders" with state guaranteed credits and securities. In 1932, almost half of Russian imports, above all technological commodities, came from Germany, exceeding imports from the US, whose companies, in the meantime, had become more committed to Russia.

Moscow also attempted to court allies within the German-national and national-revolutionary intelligence communities. Thus, in January 1932, prominent figures such as Otto Hoetzsch, Klaus Mehnert, Ernst Jünger, Carl Schmitt, Adolf Grabowsky, Friedrich Lenz, and Ernst Niekisch could be recruited for an "Association for the Study of the Planned Economy in the USSR" (*Arbplan*), founded by party members Georg Lukács, Arvid von Harnack, Karl A. Wittfogel and Paul Massing. In August 1932, an *Arbplan* delegation traveled to Soviet Russia. In a 1941 party report, Lukács characterized the twenty-five participants as people from the Right, "with sometimes fascist ideas, who were, however, for various reasons, supporters of a pro-Soviet orientation of German politics." Even if this undertaking remained a mere episode, it sheds light on Soviet foreign policy toward Germany before 1933.

In accordance with the resolutions of the VI. Comintern Congress (1928), the politics of the German Communist Party (KPD) were aimed primarily against so-called "social fascism," i.e., Social Democracy, as were those of the most significant communist parties outside of the Soviet

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Union. That was no mere misjudgment, but rather a matter of definition. According to the Comintern, "fascism" was identical with a militant "anti-Bolshevism" found not just in the propertied upper classes, but also in the "corrupt" petit-bourgeoisie and proletarian masses. To a certain extent, Social Democracy stood for pro-Western politics; it viewed the Soviet Union with extreme skepticism and was ready to defend the Weimer Republic against all attempts to overthrow it, from the Right as well as the Left. This is what revealed its "social-fascist" character. The KPD press, of course, designated all parties as "fascist." Besides the social fascists, there were also the clerical fascists (the center), the national fascists (German nationals) and, finally, the Nazis or the Hitler fascists.

In 1930, when the NSDAP became the second-strongest party overnight, the KPD attempted to steal their thunder with a "Programmatic Explanation of the National and Social Emancipation of the German People." In this program, the Nazis were characterized as pseudo-radical demagogues, who were profiting from social-democratic "treason." The true champions of the German people's national interests were the communists, who, immediately after coming to power, would "rip up" the Treaty of Versailles, and would "consider annexation with the Soviet Union of those areas of Germany that expressed a wish for it." These areas were probably Austria, the Sudetenland, Danzig, the former West Prussia — the so-called corridor. A socialist Greater Germany participating in the Soviet Union's powerful industrialization project would not just overcome the economic crisis in a single stroke, but would also form an insurmountable block against Western imperialists and exploiters. Hidden in this idea was the autochthonous nationalism of the KPD cadres, who assumed that the center of an *expanded* "Union of Socialist Soviet Republics," as Lenin had foreseen it, would expand out from Moscow into red Berlin.

When, in 1932, the Nazis became the strongest party, this was understood as the worsening of an "inescapable" crisis of capitalism that could only end in revolution. In any case, the KPD had also made significant gains. In the July elections, 5.3 million people voted for the Communists. In the November elections, 600,000 more voted for them. With a share of almost 17%, the KPD came within 3.5% of the SPD, and, in the important industrial districts, the Communists clearly surpassed the Social Democrats. In "red Berlin," they even received more votes than the SPD and the NSDAP combined, at a time when they had crippled the city's public transportation services with a "wild" strike, and, in a sensational turn, had allied themselves with "National Socialist trade organizations." The

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NSDAP was punished by the electorate with sharp voting losses, particularly in bourgeois quarters, and seemed to be on the decline. Could there have been any clearer proof that it was possible, with demonstrations of revolutionary character, to gain the support of the masses and drive the system into total disintegration?

The possibility that another Hugenberg government or a Hitler government could come to power before this disintegration had to be considered. But the Communists did not fear such a development. On the contrary: if the disappointed masses turned away from the Nazi economic leadership, because they could neither break the Versailles *Diktat* nor solve the economic crisis and were unable to overcome the general impoverishment, armed uprising would be inevitable.

The fact that, in early 1933, with almost 6 million supporters, 100,000 disciplined members, and a well-built conspiratorial apparatus, the KPD remained largely passive after Hitler took power can only be explained by this strategy of "revolutionary agitation," which was directly related to Soviet policy toward Germany. This, incidentally, already prefigured similarities with Stalin's catastrophic misjudgment between 1939 and 1941, when Hitler and the Nazis were accorded a central role in the destruction of the "old" capitalist-imperialist world system.

In any case, Hitler's seizure of power did not upset the Soviet leadership. Even the shattering of the KPD under the pretext of the Reichstag fire and the instauration of the Nazi dictatorship did not lead to any serious strain on foreign relations. In May 1933, the Berlin "Treaty of Neutrality and Friendship," signed in 1926, which had lapsed in the meantime, was extended. The head of the German Weapons Bureau, Bockelberg, completed a fourteen-week tour of the Soviet Union, was literally overwhelmed with expressions of friendship, and, after his return, pleaded for expanded military collaboration. He was unsuccessful. Over ten years of cooperation gradually came to an end by mutual agreement. For the most part, it had fulfilled its purpose for both sides: to develop and test future armaments in a close exchange of experiences. Moscow allowed airplane prototypes, tank artillery, and models built in German testing stations in the Soviet Union to be returned to Germany in their entirety, and even provided the necessary workforce and means of transport. The good-byes usually took the form of warm assurances that "the old camaraderie should endure."

On the whole, the Soviet Union had been ahead of Germany in the development and production of modern weapons systems for quite some

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time. When the Third Reich began its tank and airplane production in 1934, the Red Army had long been well-equipped with both sorts of weapons. The only one to speak of a Third Reich threat was the long-demoted former German expert and ex-Trotskyst Karl Radek. Instead, in January 1934, one of Stalin's closest confidants, Voroshilov, assured the German ambassador that "Two public words from the Chancellor would suffice to dispel the anti-Soviet tendencies of *Mein Kampf*."

Just how little the Nazi takeover was seen as a *caesura* is shown by a discussion in the Comintern's executive committee in December 1933. The aforementioned definition of fascism was reiterated, according to which fascism is "the public, terrorist dictatorship of the most reactionary, chauvinistic, and imperialistic elements of finance capital." Fascism was thus only a gradual, not a qualitative change with respect to bourgeois democracy, and one that, in any case, was understood as a dictatorship of the bourgeoisie (a veiled one, to be sure). An "open" dictatorship could have decided advantages, since "revolutionary development is simultaneously both hindered and accelerated by the fascist rage of the bourgeoisie." Moreover, "fascist demagogy . . . can, against the will of the fascists themselves, make the liberation of the working masses from the illusions of parliamentary democracy and peaceful evolution easier for us." The most dangerous enemy of the revolutionary movement remained unchanged: "social fascism," i.e., the SPD, since it sought to convince the proletarian masses to return to bourgeois democracy.

The degree of obscurantism reached in Comintern analyses of National Socialism can be inferred from a book that Ernst Hentri published in London, titled: *Hitler over Europe?* It was presented as the work of an anti-fascist German emigre. In fact, it was commissioned by a Soviet journalist. It was disseminated throughout Europe, and in the Soviet Union it became a sort of standard work up to the 1960s. The book represented the Ruhr-magnate Fritz Thyssen as the real brain behind a "brown International," and Hitler and Mussolini as merely following the orders of big business. The Nazis' anti-Semitism was a crude ploy. Not only nothing would happen to Jewish finance capitalists, but they themselves were among the main financiers of international capitalism.

The turn to the so-called United Front politics during the VII. World Congress of the Comintern, held in Moscow in August 1935, and attended by delegates from 65 communist parties, was thus all the more surprising. The Soviet press had hardly mentioned the wave of anti-Semitic outbursts in Germany since the Nazis had taken power. No Soviet citizen had

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signed any of the numerous resolutions and petitions circulated at the time, in which progressive intellectuals of all countries stood up against the Third Reich's racial policies. Now it was left to Georgi Dimitrov, the new president of the Comintern and the main defendant in the "Reichstag trial" (who was proclaimed innocent due to lack of evidence and who then fled the country on Hitler's personal directive) to denounce "Hitler fascism" as a system of "bestial chauvinism" and "political banditry." The Nazi movement was only a "reactionary variation of fascism" that had become a "general tendency" throughout the world.

In his presentation, Dimitrov castigated German fascism as the "primary instigator of a new imperialist war," but also as the "shock-troops of the international counter-revolution," and the instrument and ally of third powers. He did not mention the Nazis' *Lebensraum* plans in the same breath as the "Greater East-Asia" politics of Japan and Mussolini's fantasy of a new "Roman Empire." Hitler was presented as a would-be "German Messiah," who had managed to deceive the masses with his motto "Against Versailles!" and who was now attempting to offer his services to the Western powers as a guarantee and spearhead against Bolshevism.

The new United Front strategy was to bring together the workers of all countries under the flag of nation, democracy, and civilization, and to fight against the worldwide tendency toward a "fascistization" and "war politics" of the bourgeoisie, and, from there, to fight for "Soviet Power." The establishment of an international United Front against fascist countries and against Nazi Germany was not mentioned. Instead, the strategy concerned a change in revolutionary tactics for taking power.

With the Soviet Union's entry into the League of Nations — instead of Nazi Germany, which had withdrawn — as well as through contractual agreements with France and Czechoslovakia, the Soviet Union pursued a course of "collective security." Immediately after joining the League, however, the press attache Gnedin appeared in the foreign office to make sure that these contracts could not be interpreted as concrete obligations of mutual assistance; e.g., if the German army marched into the de-militarized Rheinland. Clearly, the Soviet leadership operated on the assumption that German revisionism was primarily aimed at Western powers, and that "German land-settlements in the East" would extend, at most, only to Poland or Czechoslovakia. In any case, as Walter Laqueur has remarked, in the Soviet Union of the 1930s there was "no single history of National Socialism . . . , nor any sort of other general work about the Third Reich's foreign and domestic policy, such as any of the hundreds

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that appeared in the rest of the world." No single Soviet study dealt specifically with the Nazis' "*Lebensraum* Plans." All the theses about the eternal German "push to the East," about German capitalism as a "latecomer" and about its "particular aggressiveness," which were later part of the fixed repertoire of postwar Soviet historiography, were not even mentioned in the 1930s literature. The Hitler-Stalin pact of August 1939 seemed to confirm that common geo-strategic interests had not yet been exhausted, as compared with the half concessions and lukewarm guarantees that Western powers had offered one or the other power.

This serious error in judgment on the Soviet side is understandable, since the theme of "*Lebensraum* in the East" had not actually played a significant role in the rise of the Nazis before 1933, nor in foreign policy thereafter. In 1925, when Hitler in his little read confessional book, *Mein Kampf*, proclaimed a "new German move" toward the East that would fall on and destroy the Soviet Union like a "colossus on clay feet," it sounded as futuristic as Vladimir Shirinovsky's "Leap to the South," after which victorious Russian soldiers would wash their boots in the Indian Ocean. Hitler's entire argument was based on the hypothesis that the Germanic racial core that had formed the state in the Russian empire had been fully corrupted by Jewish Bolshevism, and that "the giant in the East" was "ripe for collapse." This first opened the possibility of Germany shifting from the inherited "colonial and trade policies of the prewar period" to the "ground politics of the future." Only a state ruling over an "inherently protected" area, such as the USSR and the US would be able to be a world power in the future.

As ideologically rigid as Hitler's objective may have seemed, it was also far-sighted. Anyone wanting to seriously restore Germany's status as a great power had to be clear about the fact that it could no longer be concerned with simple revanchism, but had to "reach for world power" in the full sense of the word. Such policies had to aim beyond the Wilhelmenian "place in the sun" and to deploy extreme measures. Winning *Lebensraum* in the East and establishing an Indogermanic continental Reich would only form the starting point for a future and final confrontation with Western capitalist powers. When all was said and done, the Jewish world enemy conjured up in *Mein Kampf* sat in Wall Street or in London, rather than in the salons of Paris or in the Kremlin. Moreover, the *most immediate* danger was "the increasing Negroization to which France was falling prey," because its stubborn claim to continental hegemony signified "a danger lying in wait for the continued existence of the white race in

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Europe, because of Jewish world-domination."

As a result, the hierarchy and sequence of opponents in Hitler's construction was in no way fixed. The first thing needed to be done was to shake free from the "chains of Versailles." In all probability, this meant that France, with its "Eastern Satellites," above all Poland, stood high on the list of enemies to be eliminated. According to Hitler, such a program of German breakthrough to world-power status could be assured only through an alliance with England, and on the basis of a global agreement that would guarantee British mastery of the seas and give a future greater Germany free reign on the Eurasian continent. Hitler combined this with a pact with Mussolini's Italy, which in turn sought to establish a new "Roman Empire" around the Mediterranean. In the end, everything depended on this imagined construction of alliances.

To be sure, in the political spectrum of the Weimar Republic, a foreign-policy strategy such as the one Hitler suggested was completely marginal, and even for the party itself it meant an abrupt change of perspective. Up to the November 1923 Munich Putsch, Hitler and his close comrades-in-arms — Rosenberg, Scheuber-Richter, and Eckart — had been part of a *völkisch*-anti-Semitic Right, in which the idea of a *total* liberation of Germany as well as of Russia from the rule of Judaism, from the Jewish system of land ownership as well as Jewish Bolshevism had represented the ideal way to restore Germany's status. Only the continental bloc of a national Germany and a national Russia, as the white Russian emigres had promised, seemed to be able to oppose the superior strength of the Versailles Powers. With the consolidation of the Soviet regime, this opposition became more and more improbable.

Therefore, in the circles of the German-national and national-revolutionary Right, one was also increasingly ready to contemplate an alliance with Bolshevik Russia. The unconditional way in which Soviet leaders had defended their land against Western intervention and had made it self-sufficient had awakened admiration in former *Freikorps* fighters and deported anti-Bolsheviks. Here, the ambiguous tendencies of a cultural "orientation to the East" became intermingled; this orientation formed the counterpart to a resentful rejection of the bourgeois, decadent, and materialistic West that had been shaped during WWI, and that had become nearly universal after the "Versailles *Diktat*." An overview of the entire spectrum of political and intellectual currents during the Weimar years shows that there was no mention of a universal anti-Bolshevism combined with Russophobia, anti-slavism and anti-Semitism.

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The left wing of the NSDAP around the Strasser brothers or the young Goebbels had a completely different position than the one held by Hitler in *Mein Kampf*. At the beginning of 1926, in his brochure "The Second Revolution," Goebbels published a fictional letter to a fictional Russian revolutionary — the Doestoevskian Ivan, who had already served as the counterpoint to the German hero in Goebbel's *Michael* — in which it says outright: "We look toward Russia, because it will be the first to take the path to socialism with us. Because Russia is the confederate given to us by nature against the West's devilish contamination and softness." Such a Russian-German alliance was urgent, "not because we love Bolshevism, because we love the Jewish supporters of Bolshevism, but rather because in the alliance with a truly national and socialist Russia we recognize the beginning of our own national and socialist self-assertion."

For Goebbels, as for many on the national Right, through its supposed coming to terms with the Kulaks and with the elimination of the Trotskyists, the Soviet regime had long since acquired the characteristics of a Russian national Bolshevism and, in many respects, with its thorough politicization and militarization of social life, had acquired exemplary characteristics. When, after his release from prison, Hitler gave the leaders of the left party factions a dressing-down for their national Bolshevik tendencies, Goebbels noted in his diary, "It is as if someone has hit me. What sort of Hitler is this? A reactionary? . . . Our task, he says, is the destruction of Bolshevism. Bolshevism is a Jewish creation. We must crush Russia. One hundred eighty million people? In a word, I am stunned."

As a matter of fact, the planned "crushing" of Soviet Russia was neither part of the NSDAP program nor did it play a role in daily party propaganda. It would also have harmed the strategy with which the Nazis catapulted themselves into the center of political events and finally into power. Confronted with the devastating effects of the developing economic crisis, a growing part of the population reduced all politics to the question of how to break the "chains of Versailles."

From the very beginning, one of Hitler's central ideas was the "primacy of domestic politics." Without a domestic national and moral renewal, there could be no power politics abroad. In the foreground was the postulate of liberating Germany from all forms of "foreign infiltration" in social and cultural life, from "party grumblers," "the Jewish press," "nigger music," and "salon Bolshevism." It was a puritanical reaction to the steadily growing appeal of Western lifestyles and to everything that in Nazi terminology fell under the rubric of the "morass

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of big-city pleasure culture" and that had made the Versailles Treaty into a "syphilitic peace."

This association reflected the paradoxical fact that forced reparations were responsible for the significant cultural and economic integration of the Weimar Republic into the West. In this respect, the Nazis set themselves at the forefront of a lifeworld reaction that today would be regarded as "fundamentalist," were it not at the same time inconsistent. This inconsistency probably contributed to their success. One could see in the Nazis world and social image whatever one wanted.

If the main attack was directed primarily against "Marxism," this had to do first of all with the NSDAP's claim to be the true voice of the German proletariat, and then with the appeal to bourgeois and petit-bourgeois fear. Social Democrats and Communists were lumped together in the concept of "Marxism"; they were differing radical forms of a corrosive "Jewish socialism," whose direct opposite was the "German" or "National Socialist" who felt responsible for the higher good of state and empire.

The bitter battles with the Communists in the streets and in the auditoriums took into account the fact that, besides the NSDAP, the KPD was the only other political group that could not be counted as part of the democratic "party system." It was the SA's strategy, following the example of the Italian "*fasci*," to attack the Communist Red Front fighters on their own terrain as much as possible. This was supposed to demonstrate a dictatorial will and, through its brutal thoughtlessness, satisfy bourgeois and petit-bourgeois needs for order. But it was also a battle for psychological and ideological supremacy, a smoldering civil war for the rule of streets and districts, and a paramilitary recruiting effort among the proletarian masses. The active and symbolic character of Nazi politics corresponded to their political vagueness — a fact pointed out by Joachim Fest: "Remarkably, Hitler's speeches in the years of his mass popularity contained only a very narrow measure of concrete declaration of intent, and neglected his ideological fixed points, anti-Semitism and *Lebensraum*."

With the establishment of Stalin's dictatorship and the transition to forced industrialization, the German public's view of the Soviet Union changed considerably. Dramatic reports about forced collectivization of the German colonial villages, along with a larger re-settlement campaign, did cause a stir in the press. Under Hugenberg's new leadership, the German national *Volkspartei* openly hoped for the collapse of the Soviet Union, particularly in view of reports about resistance to collectivization in the Ukraine, which since WWI had appeared to many as a designated

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area of interest for Germany. Yet, even more representative were positions such as those of the *völkisch* journalist Graf Reventlov, who wrote in 1931 that, with Stalin's victory over Trotsky, one could no longer speak of a "Jewish Bolshevism," since Bolshevism had become a national-Russian affair; and that a successful five-year plan would be "an event of historical significance" requiring a change in Germany's position toward the Soviet Union.

In January 1932, Hitler delivered a campaign speech before the Dusseldorf Rhein-Ruhr Club that was supposed to dispel the magnetes of industry's obvious reservations about his adventurous program and his vulgar mass-party, which in the meantime, with 800,000 members and 10 million votes, had assumed a key role. In a deft turn, Hitler first stressed that in economic life, as in the army, a natural authoritarian-hierarchical order dominated, while political democracy was already a sort of communism. From there, he turned to Bolshevism, which he said was "not just a gang that roamed the streets of Germany," and no mere "new method of production" (this last bit was in reference to the clear attraction of the five-year plan). Rather, Bolshevism was "a worldview that was soon to subjugate the entire Asian continent." It would "slowly shake the whole world and bring it to a collapse." If no one put a stop to it, Bolshevism would "expose the world to the sort of complete transformation that Christianity had once brought about." One day people would speak of Lenin with the same reverence with which today they speak of Jesus or Buddha. In short, it concerned a "gigantic tendency," which could no longer be wished away, and which would "inevitably destroy one of the presuppositions of our continuation as a white race," because Bolshevism was a rebellion of the social underclasses and colored people against the natural superiority of the European "white race."

Hitler's basic anti-Bolshevism finally seemed to come to light here. The speaker was obviously concerned with stirring up the industrialists' fears about a communist seizure of power and with presenting his own party as the guarantor of a national counter-revolution. In this respect, Hitler's pronounced anti-Bolshevism was calculated, as it was later in his interactions with Western government leaders, particularly from Great Britain. The industrialists' fear was no doubt real. Yet, there was no reason to assume that Hitler shared their fears. Privately, he repeatedly derided the Communists' revolutionary potential, as had Goebbels, who, out of an old affinity, had followed his opponents' activities carefully, and who, by the beginning of 1932, already regarded them as harmless.

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What was interesting about Hitler's speech, however, was the radical re-evaluation of Bolshevik Russia as compared with the picture of Russia in *Mein Kampf*: there, the image of a land hollowed out by Judaism, by fate itself, and subject to Germany's colonizing grasp; here, the massive threat of a state representing a world-movement, whose founders could possibly go down in history as the creators of a new religion. Typically, the speech did not revolve around the struggle for *Lebensraum*, nor did it mention any "Jewish Bolshevism." With this crowd, Hitler could not succeed with manic anti-Semitism nor his fantastic plans for the East. Still, he stressed Germany's double predicament: the slave-like debt to the Western winners, and the slow, yet progressive undermining of Germany by Bolshevism. This made an impression. The national revolution he promised would ultimately destroy "Marxism," the unions and other organized interests, and would lead to the establishment of a new corporate order that, with all its similarities to the successful model of Italian fascism, would have the characteristics of an original German *Volksgemeinschaft*. For this, he received lively applause, though only a modest amount of donations. Contrary to the frequently made claim, "major industry" did not grant Hitler a mandate to seize power and prepare for war at this now-legendary meeting.

To return to Ernst Nolte's theses, Hitler's anti-Bolshevism was not his political "basic instinct" from which everything else followed. One could probably detect an elementary fear about the rebellion of a social "subhuman class" along with an uprising of "colored peoples," whose secret manipulators and rulers were always and everywhere the "world Jews." As "international finance Jews," they sucked the people dry and manipulated the government, and as Marxist or Bolshevist Jews, the "*Volksjude*," incited the classes and preached the bastardization of the race. Essentially, this picture only demonized the symptoms of modern life. Hitler's panic-stricken fear of germs and bacteria, which drove him to wash his hands after every conversation, was only the intensified anxiety of a hypochondriac — something he shared with many of his contemporaries. These were the expression of defensive reflexes intended to counteract economic and cultural globalization, the greater density of communications, and the increasingly closer net of social contacts and associations: in short the promiscuity of modern life.

In this atmosphere, which, following the world economic crisis, assumed hysterical forms, the concept of Bolshevism became an ever-changing collective term almost completely separated from its real object.

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Thus, a book by Hitler's mentor, Dietrich Eckart, that appeared after his death in 1924, was titled *Bolshevism from Moses to Lenin. Dialogue between Hitler and Myself.* The several thousand-year old, culture-subversive effect of Judaism was related to the concept of "Bolshevism," whose most important manifestation appeared to be the "Mosaic Christianity" founded on the Old Testament. At the same time, there were also lampoons of the "musical Bolshevism" of exponents of the New Music, of the "cultural Bolshevism" of the abstract painters and avantgardist theater directors, or of "sexual Bolshevism," which could mean anything from co-education, bobbed-hair, jazz, gun-toting women, to Hollywood. But it did not have to refer to Bolshevism as a political movement.

With his instinct for all of the resentments of the time, Hitler adopted this "anti-Bolshevism" in various ways. But, in the end, all roads led to the looming figure of the "world-Jew," the "King of Kings" who sought the bastardization, degeneration and emasculation of the Aryan people, whether through money and the stock exchange, the press and democracy, liberalism, sexual promiscuity, sexually-transmitted disease, world wars, inflation, famine, the proliferation of big cities, Hottentot dances or "Marxism." Hitler knew how to separate this from Bolshevism and communism.

Incidentally, the aforementioned speech in the Rhein-Ruhr Club proved that the changes in the Soviet Union brought about by the elimination of the Trotskyists and forced industrialization had not escaped Hitler's attention. He required this Stalinist Soviet Union neither as an "example" nor as a "nightmare vision"; rather, it was a factor one had to deal with, just as one was not allowed to lose sight of the KPD in domestic politics. But this implied no mere "anti-Bolshevik" defense. Rather, one could see in Hitler's politics an exact correspondence to Comintern strategy, which believed its own seizure of power would, through the parallel strengthening of the fascist situation (here reversed as the communist situation), "be hindered as well as accelerated."

It was Leon Trotsky, the astute distant observer and imaginary leader of a "Fourth International," who diagnosed early on that the KPD's strategy of focusing its attack on the SPD's "social imperialism" virtually invited the Nazis to seize power — not only because of the rift created in the workers movement and their defensive forces, but primarily because of the possibility of the Nazis offering their services as savior to bourgeois forces. Moreover, following the same method, once in power Hitler would offer his services to the capitalist Western powers as a "super-Wrangel" of the world bourgeoisie. With their consent, he

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would shake off the bonds of Versailles and launch an anti-Bolshevik crusade against the Soviet Union.

Trotsky's analyses, formulated during his exile, were a strange mixture of shrewdness and obscurantism. He accurately anticipated one of the basic mechanisms of Hitler's rise and his successful politics of "emancipation" and rearmament of the Third Reich with the Western powers' acquiescence. On the other hand, Trotsky misunderstood and underestimated the original strengths, objectives, and motivations of the Nazi-movement. Ernst Nolte saw Hitler at the time of his speech to the Rhein-Ruhr club in this very role attributed to him by Trotsky: Hitler presented and understood himself "completely and unmistakably" as an "anti-Lenin" and as a "super-Wrangel of the world bourgeoisie." Nothing could be more off-target than such an interpretation of Hitler's ideology and politics before and after the seizure of power.

The doubt about the KPD's real power that Hitler privately expressed before 1933 was largely confirmed by the almost resistance-less dissolution of the KPD apparatus. The Nazi leaders were waiting for an armed communist resistance that never took place. In this respect, the *Reichstag* fire appeared to them literally as a gift from heaven. The legend of the attempt at revolt disseminated by Moscow was so thin that the Leipzig trial of Dimitrov and the KPD faction headed by Torgler, who later put himself at the service of the Nazis, ended with a verdict of not guilty. Nonetheless, the legend had already served its purpose. The fairytale of an impending communist uprising was only necessary to push the "Enabling Act" through the newly-elected parliament with the votes of the bourgeois party. Afterwards, Hitler possessed the apparatus to establish his sole dictatorship and, as he grimly stated, to settle with the "reaction," i.e., to let loose his German-nationalist coalition partners.

SA troops and later the Gestapo brutally abused and persecuted thousands of communists and other people opposing the government, beating many of them to death. But this was in line with the expected repression, according to the Italian model of a "fascist" state. On the other hand, Nazi authorities made no attempt to arrest all the members and functionaries of the dissolved KPD. Hitler assured the British correspondent Selfton that he had no need for a "St. Bartholomew's Eve." Many of those arrested were freed after a few weeks or months, including high-ranking party officers such as Herbert Wehner. Only in rare cases were communists permanently stripped of their rights, though they were still subject to intensive surveillance and harassment. Yet, those who wanted to collaborate

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were welcome. Goebbels and other leading Nazis frequently stated that a "decent communist" could be a much more useful national comrade than an opportunist fellow-traveler or a decadent bourgeois.

Even more transparent than the domestic-policy function of pronounced anti-Bolshevism was its use for foreign policy. Kurt Lüdecke, one of Hitler's early confidants, wrote in 1938, during his American exile, that even before taking power Hitler had told him that there was only one way to get through the dangerous period of the break with the Versailles Treaty and rearmament: England and France had to be convinced that Germany was the last bulwark against a Bolshevik flood. This calculation went even more smoothly than Hitler could have anticipated. British politicians, in particular, were seriously disturbed about the Soviet armaments as well as the growth of communist-inspired movements in the colonies and in various European countries. The perspective of a communist seizure of power in Germany must have seemed like a nightmare to them: the connection of a Soviet Germany to the Stalinist Soviet Union would have turned international power relations upside down in a single stroke. Even in France, left-wing parties were on the march and, for a short time in 1936, were able to form a government under the name of the "People's Front," as they had done in Spain. From the British perspective, the entire continent seemed to be divided into fascist and communist countries, who fought out a full-blown proxy war in the Spanish Civil War. Since the USSR had already grown into a significant power that was further undermining the pillars of the British empire in Asia and the Middle East in various ways, conservative government officials in London considered it a more calculated risk to give Hitler free reign in his pursuit of aspirations for a Greater Germany in Central Europe and to allow a controlled rearmament, if in return he was ready, as he constantly claimed, not to pursue any additional goals.

Yet, one wonders whether Hitler's 1935-1938 "anti-Comintern" approach, which apparently stood in the foreground of domestic as well as foreign policy, had not, independent of all tactical ulterior motives, expressed a fundamental ideological and political tendency of National Socialism, as compared with the later abrupt about-face to a course of collaboration and a loose war alliance with the Soviet Union, which followed purely opportunistic considerations. Certain elements of conviction and world-outlook can be clearly recognized in the "anti-Comintern" policies. Yet, they definitely played a secondary role. These years' anti-Bolshevik campaigns, which culminated in the 1936 Nuremberg Party Days, were

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dictated much more by clear practical imperatives. Since a domestic communist danger no longer existed, the anti-Soviet propaganda that began in 1935 had to fill the gap in order to sustain the scenario of a threat and to justify the harsh suppression of all opposition. The secret instructions of the propaganda ministry clearly expressed that the continual horrible news from the Soviet Union served to suppress criticism: economic circles, who complained about high taxes and regulations, had to be impressed by reports about the Stalinist terror and the immense efforts to arm the Red Army; complaints by the working population about scarce food supplies and meager wages were countered with references to the catastrophic situation of the Soviet workers.

Beyond this, agitation against "Judeo-Bolshevism" was employed to combat a conservative orientation toward the East. Until 1936, a not insignificant part of German journalists held the opinion that the Soviet Union was becoming increasingly Russified and was essentially a genuine sort of National Socialism. Thus, up to the mid-1930s, Klaus Mehnert published admiring reports about the Soviet success in a series of major newspapers. The work of the "anti-Comintern" propagandists was to a great extent aimed at getting rid of these still widespread "Russophile" tendencies in journalism and science. Moreover, this noisy "anti-Comintern" propaganda was partially supposed to legitimate the progressive stripping away of the rights of Jewish citizens in Germany, and partially to distract people from this. Here domestic policy needs and foreign propaganda overlapped. Because of its anti-Semitic policies, the Third Reich was pressured to justify itself to Western trade partners and fascist Italy. The attempt to pursue an offensive anti-Semitic, anti-Bolshevik policy with respect to their allies, to find not only understanding, but also sympathy, led only to modest results.

Finally, and most important, the forced propaganda against the "Communist overthrow of the world" was supposed to conceal the creation of the Nazis' own system of alliances. The December 1936 "anti-Comintern" Pact with Japan, which Italy signed a year later, was not at all what it claimed to be. The signers did not even promise to support each other in the case of a Soviet attack. It was not hard for Western commentators to recognize that in fact it was a coalition of "young" powers, who intended to overthrow the *status quo*, and that the pact was therefore aimed just as much at Western powers as at the Soviet Union. The Soviet leadership did not see it any differently. For them, the "anti-Comintern" pact was eminently useful for the construction of absurd domestic conspiracy-scenarios

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for the show trials and the bloody cleansings.

Who or what really was the "anti-Comintern"? Walter Laqueur's short study based on the files of this organization has thrown light on yet another side in addition to those emphasized by the usual accounts. It was actually a sub-division of Goebbels' propaganda ministry. Its personnel basis was thin. But, after all, with the exception of Rosenberg, there was hardly anyone in the NSDAP who could have dealt effectively with Bolshevism. Its head, Adolf Ehrt, came from the press section of the Protestant church, his deputy, Eberhardt Taubert, was for years an obsequious assistant of Goebbels. Outwardly, the "anti-Comintern" acted independently of state and party — a weak imitation of the formal independence of the Comintern.

The propaganda writings that were produced in rapid succession were fairly weak, despite the tremendous amount of documentary materials available from the many returnees from Soviet Russia. At any rate, they were clever enough to leave aside the theme of "Jewish Bolshevism," depending on the author and addressee, while in other cases it was made the main theme. The circulation numbers were sometimes quite high, but only because the bulk of the books and brochures were distributed at no cost. Rosenberg's publications about the Russian and Jewish racial souls and their historical roots in the chaos of peoples in the Mediterranean and the Byzantine world, or the 1930s updating of the "Protocols of the Elders of Zion," had it even tougher. Goebbels and his people believed that these publications lacked what most interested the audience: namely what was *really* happening in Russia.

The "anti-Comintern" was seen as the nucleus of an *international* organization that was supposed to have defied the real Comintern. Yet, all attempts in this direction remained unsuccessful. According to Laqueur, at best, "the anti-Comintern brought together a motley assortment of groups of discharged Austrian colonels, Polish priests, and Japanese counterspies." A "First Confidential International Anti-Communist Conference" in November of 1936, which paralleled the Nuremberg Party Days, was supposed to have prepared for a World Congress, but it had no results to speak of.

Most telling was the fact that even the Nazi leadership attached only limited importance to the "anti-Comintern." The urgent anti-Comintern desire for a radio station that could compete with the foreign-language programs of Radio Moscow remained unfulfilled. That was no mere episode. It shows to what degree the whole "anti-Comintern" was a bogeyman.

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Already by winter 1938-1939, it had to stop most of its work. Hitler had given orders to end anti-Bolshevik propaganda, "so as not to weaken the effect of anti-Jewish propaganda." In August 1939, most of the personnel were fired. And on August 26, the press received instructions from Goebbels to refer once again to "Russia," instead of "the Soviet Union," in order to create a thoroughly "sympathetic, warm tone."

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*The Katyn Massacre: "Class Cleansing" as Totalitarian Praxis**

Victor Zaslavsky

The concept of totalitarianism as an "ideal type" found its fullest realization in Nazi Germany and the Soviet Union.[1] Following the Soviet collapse, scholars gained access to an enormous amount of information concerning the inner workings of the Soviet system and the intentions of the Soviet leadership. For the first time, comprehensive data concerning the functioning of the coercive apparatus, the scope of terror and deportations, and, perhaps most important, the true extent of the militarization of Soviet economy and society is now available. These data allow a much better understanding of Soviet reality and of 20th century totalitarian regimes.

Totalitarianism is a 20th century political development. In principle, it differs from both liberal democracy and previously known forms of tyranny. Crucial institutional differences between totalitarianism and liberal-democracy are the key to understanding how the former succeeded in achieving the greatest social control and realizing the most monstrous projects of class cleansing ever seen in human history, while the latter provided ample space for individual and group resistance, thus guaranteeing the preservation of human creativity and particularity. A study of the Katyn massacre and the class cleansing perpetrated by the Stalinist regime in occupied Polish territories in 1939-41 may help clarify this difference.

* Translated by Joseph Cardinale. An earlier version of this article appeared in book form as *Il Massacro di Katyn: Il Crimine e la Menzogna* (Rome: Ideazione Editrice, 1998). The book also contains the Italian translation of 24 crucial documents relating to the Katyn massacre, recently released from hitherto secret Soviet archives.

1. A. H. Brown, *Soviet Politics and Political Science* (London: Macmillan, 1974), pp. 36-41.

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Secret Documents from the Soviet Archives

In July-August 1941, when the armies of Nazi Germany invaded the Polish territory controlled by its former ally, the Soviet Union, they occupied an area near Katyn, where Soviet camps for Polish officers had been located. On April 13, 1943, the German mass media informed the world that German soldiers had discovered the bodies of several thousand Polish officers in a forest near Katyn, and that they had been shot by the NKVD — the People's Commissariat for Internal Affairs. This was the first report of what soon became known as the "Katyn massacre."[2] Soviet propaganda immediately blamed the massacre on the Nazis, initiating charges and counter-charges of which regime was responsible. Thanks to recently accessible Soviet documents, it is now possible to reconstruct accurately the history of the "Katyn massacre," i.e., the murder of almost 22,000 Polish war prisoners by special units of the NKVD in the Spring of 1940. The publication of these documents eliminates, once and for all, the mountain of lies and disinformation.[3] Today, the names are known, both of those who ordered the executions and of those who carried them out, as well as when, why and how.

Aleksandr Iakovlev, one of the architects of the political and economic reforms of *perestroika* and Gorbachev's closest ally in the Politburo, who oversaw the work of the Polish-Soviet Commission of Inquiry on the Katyn Case, recalls: "The Polish members, Wojciech Jaruzelski in particular, repeatedly brought up the Katyn question. Notwithstanding his good personal relations with Jaruzelski, Gorbachev continued to procrastinate

2. Even before the collapse of the Soviet Union, the bibliography on the "Katyn massacre" had surpassed 1000 publications. See M. Harz, *Bibliografia sbrodni katynskiei. Materialy z lat 1943-1993* (Warsaw, 1993). The first broad monograph, *Death in the Forest. The Story of the Katyn Forest Massacre*, was published in 1962. Its author, Janusz Zawodny, sought to reconstruct the fate of the Polish prisoners and to answer in a detailed manner questions concerning how and when, by whom and why these men had been killed, concluding that the Soviets were responsible. His work was followed by dozens of books, testimonies, and memoirs which, even without Soviet documentation, access to the scene of the crime, or the possibility of launching a new scientific analysis of the corpses, confirmed the conclusions reached by a Select Committee of the US Congress in 1951.

3. During the Cold War, historians ideologically associated with the USSR dealt with the question of Soviet responsibility as a matter of opinion. Thus, toward the end of the 1970s, a history of the Soviet Union, reprinted unchanged in 1990, claimed that "the truth concerning the Katyn tragedy could never be established in an objective way, and even today it is the subject of periodic polemics. Adherence to the one or the other version is therefore the result of one's political convictions rather that of an exhaustive analysis." See Giuseppe Boffa, *Storia dell'Unione Sovietica*, Vol. 3 (Rome: L'Unità, 1990), p. 182. The author recommends Zawodny's book to those readers interested in "the arguments of those who continue to accuse the Soviets," while admitting that "unfortunately, the Soviets have never succeeded . . . in documenting their version in a way that would remove all doubts."

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in resolving the problem. Only later did I understand why . . . . Every time I asked Mikhail Sergeevich [Gorbachev] for help in locating the documents, his answer was invariably: 'Look for them.' More than once, I asked the Director of the General Department of the Central Committee, Valerii Boldin, the custodian of the Politburo archives, where some documents concerning Katyn could be found. He reassured me, with a wry smile, that there were none in his archives."[4]

The turning point came when historians of the Polish-Soviet Commission on Katyn discovered, among the myriad of secret Soviet archives, one inconspicuously titled: "Center for the Conservation of the Collection of Historical Documents," which the archivists had dubbed "Special Archive." While not officially part of the archives of the KGB, the Commisariat of State Security, a new bureaucratic structure established in 1941, this one nevertheless was overseen by KGB functionaries. Therein, Commission members found, among other things, documents of the NKVD's "Directorate for Prisoner of War Affairs" and of the so-called "escort troops," containing more than 9,000 files. Included was extensive documentation regarding the camps for Polish officers, which made it possible to reconstruct their fate from the beginning of their imprisonment to the decision concerning their extermination.

Iakovlev immediately realized that these files constituted only part, and not even the most important, of the documentation concerning Katyn. "I began to think about how to deal with these documents. Intuition prevented me from sending them directly to the General Department of the Central Committee and from reporting to Gorbachev. Having thought it over, I decided to make five copies and send one to the International Department of the Central Committee, one to the KGB, one to the foreign ministry, and I no longer recall to whom else." The documents were stamped and marked in such a way as to render them "bureaucratically protected." Now, it became practically impossible to eliminate them without leaving traces. "Subsequently, I telephoned Mikhail Sergeevich and told him what had happened, emphasizing that now it was a question of how to deal with this within the Polish-Soviet Commission. Gorbachev took the information without any emotion, almost without any particular interest. But, as far as I remember, he phoned Jaruzelski." Iakovlev knew very well the *modus operandi* of the Soviet bureaucratic apparatus. This

4. Aleksandr Iakovlev, *"K citateliu,"* in R. Pikhoia and A. Geisztor, eds., *Katyn. Plenniki Neobiavlennoi Voin* (Moscow: Demokratia, 1997), pp. 5-6. All subsequent citations refer to these pages.

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documentation allowed the Polish-Soviet Commission to recognize Soviet guilt for the first time. In May 1988, in Katyn, there was a ceremony with Soviet and Polish officers present, where USSR representatives admitted that the killing had been done by NKVD units.

The importance of this documentation was immediately appreciated by the head of the International Department of the Central Committee, Valentin Falin. In a letter to Gorbachev,[5] Falin emphasized that "even without the orders for the shooting and the burial, these documents allow us to ascertain the fate of the interned Polish officers held in the NKVD camps of Kozelsk, Starobelsk and Ostaskov. A sample comparison of the surnames contained in the lists of Kozelsk prisoners and of the lists of identified bodies compiled by the Germans in Spring 1943, during the exhumation, has demonstrated the strong correlation between these two lists." Referring to the imminent publication of part of the documents, the high functionary of the Central Committee warned Gorbachev: "Such publication would create in some sense a completely new situation. Our claims that no documents have been found concerning the Katyn tragedy in the state archives of the USSR would become untenable. The materials discovered by the scholars and the secrets that they have revealed, at least in part, along with the data on which the judgments of the Polish part are based, do not allow us any longer to continue to stick to the earlier versions and to avoid drawing the inevitable conclusions. Taking into account the approaching 50th anniversary of the Katyn case, in some way or other we will have to define our position." According to Falin, the way out, entailing "the lesser costs," would have been the following: first of all, "inform Jaruzelski that, following a scrupulous examination of the archives, we have not found direct evidence (orders, dispositions, etc.) that would allow us to define the exact moment and the real culprits of the Katyn tragedy." Then, Falin proceeded to recommend acknowledging discovery of "indications that throw doubt on the report of the Burdenko Commission.[6] On the basis of these indications, it is possible to conclude that the death of the Polish officers in the Katyn region took place at the hands of the NKVD, and that Beria and Merkulov were personally responsible."

From the viewpoint of the Soviet leadership, this was a reasonable proposal which, moreover, had been tested historically. In the same way that Khrushchev, in his 1956 report to the 20th Party Congress, blamed Stalin and the so-called "cult of personality" for the crimes of the Soviet

5. See "Katynskoe Delo," in *Voennye Arkhivy Rossii*, No. 1, (1993), pp. 162-164.
6. See below, pp. 92-93.

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system, Falin sought to salvage the image of the Soviet system by attributing its nefarious character and crimes to Beria and organizations such as the NKVD, already totally discredited. But Gorbachev continued to procrastinate, undoubtedly seeking to avoid any troubles for the shaky communist regime in Poland. However, ultimately he followed Falin's advice. During a special ceremony in the Kremlin on October 13, 1990, a day dedicated to the victims of Katyn, Gorbachev officially apologized to the Polish people. In addition, he passed to Polish authorities several boxes of documents regarding the Katyn massacre, but containing mostly secondary documentation of rather elusive value. The cause of this evasive behavior would become clear only after the collapse of the Soviet Union. Actually, Gorbachev was well aware of the existence of direct evidence and of irrefutable documentation concerning Soviet responsibility for the shooting of the Polish prisoners. He understood perfectly well the extremely damaging impact of their publication, both for the Soviet Communist Party in general and for relations between the Soviet Union and Poland in particular.

After all the Politburo members directly involved in the decision to shoot the prisoners had left the scene, the crucial documents on Katyn were put into a sealed envelope and placed, along with other envelopes containing the most sensitive documents of the regime, into the super-secret Central Committee archives. The opening and sealing of these envelopes was the personal responsibility of the Head of the General Department of the Central Committee, and access to them was allowed only to the General Secretary of the Soviet Communist Party and to the head of the KGB.

Iakovlev has described how Gorbachev revealed the existence of the crucial documents and handed them over to Yeltsin.[7] The latter's decision to make a clean break with the past resulted in the publication of many

7. According to Iakovlev: "In December 1991, Mikhail Gorbachev and Boris Yeltsin invited me to the meeting when, one might say, Gorbachev yielded power to Yeltsin. The discussion, calm and marked by mutual respect, continued for over eight hours. The one gave no impression of being disturbed, the other did not display any particular joy. Among other important papers, Gorbachev passed on to Yeltsin an envelope with some documents, adding that eventually it was indispensable for him to decide what to do with them. 'I am afraid that it can generate international complications. At any rate, it is up to you to decide," noted Gorbachev. Yeltsin read them and agreed that it was necessary for him to think the matter over. I was overwhelmed. It was a matter of the super-secret documents concerning Katyn, the evidence of the regime's crime. I was overwhelmed also because Mikhail Sergeevich had handed over these documents with extraordinary calm, as if I had not repeatedly asked him to put his [Central Committee] archives in order and to look for these particular documents. I looked at Gorbachev in shock, but I did not notice any embarrassment. Such is life."

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documents testifying to the crimes of the Soviet regime, and in launching a public inquest against the Soviet Communist Party as a criminal organization. In 1992, the Archives of the President of the Russian Federation were created, to which were transferred the files of Stalin, Molotov and other Soviet leaders, in addition to other materials from Central Committee archives. On Yeltsin's instructions, a special commission was created on July 5, 1992 to examine the material in the sealed envelopes. On September 24, 1992, during the 11th session of this commission, an envelope was opened containing the crucial documents concerning Katyn.[8] It included Beria's March 5, 1940 note to Stalin, which proposed the solution to the problem of the Polish officers in the Soviet camps,[9] the Politburo's protocol of the same day approving the shooting of the officers,[10] and finally, the March 3, 1959 hand-written letter of the head of the KGB, Aleksandr Shelepin, to the General Secretary of the Communist Party, Nikita Khrushchev, with the proposal to destroy all of the personal files of the Polish war prisoners shot in April 1940.[11]

In 1992, all of these documents were submitted to the Constitutional Court of the Russian Federation during the incrimination of the Soviet Communist Party. In addition, in October 1992, coinciding with the day of remembrance for the Katyn victims, a representative of the Russian president handed over these documents to the then president of the Polish Republic, Lech Walesa.

Historical Background of the Katyn Massacre

In order to explain what happened in the Katyn forest, it is necessary to recall some events before WWII, beginning with the rapprochement between Hitler and Stalin in 1939. The Soviet-German dialogue, conducted both through diplomatic correspondence as well as meetings between Schulenburg, the German ambassador in Moscow, and Molotov, the head of the Soviet government, led to Stalin's August 21 personal telegram to

8. This envelope, sealed during the 1970s, was kept in the safe of Kostantin Chernenko. Before his brief appointment as General Secretary of the Soviet Communist Party in 1984, Chernenko headed the General Department of the Central Committee and, in this role, informed first Brezhnev and then Andropov of the secrets of the Katyn case. Having become General Secretary, Gorbachev, in turn, was informed by the then head of the General Department, Boldin.

9. "L. Beria to I. Stalin, March 5, 1940," in *Voprosy Istorii*, No. 1 (1993), pp. 17-18.

10. "The Protocol of the Politburo meeting of March 5, 1940," in *Voprosy Istorii*, No. 1 (1993), p. 19.

11. "A. Shelepin to N. Khrushchev, March 3, 1959," in *Voennye Arkhivy Rossii*, No. 1, (1993), p. 130.

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Hitler, in which the Soviet leader announced his readiness to draft a pact between the two countries with a secret protocol concerning the division of Europe into German and Soviet spheres of influence.[12] The second point of this secret protocol prefigured the partition of Poland. The Nazi Foreign Minister, Ribbentrop, immediately flew to Moscow, where the infamous Ribbentrop-Molotov Pact of August 23, 1939 was signed.

The war began on September 1, 1939 with Germany's attack on Poland. Two days later, France and Great Britain declared war on Germany, and the Nazi government suggested that Soviet troops occupy the part of Polish territory assigned to the USSR. But the Soviets postponed their attack for two weeks, because time was needed to mobilize troops and to redirect the international communist movement's policy. In fact, immediately after the German invasion of Poland, Western communist parties called for resistance to Nazi Germany and for aid to Poland, the victim of aggression. On September 1, the French communist group in parliament, under Maurice Thorez' leadership, proclaimed "the desire of all communists to fight against Nazism and fascism," and later voted unanimously in favor of the war credits demanded by the Daladier government. The Belgian communists expressed their support for Poland, engaged in "a just war against aggression." The General Secretary of the American Communist Party, Earl Browder, called the German invasion "a barbaric act of imperialist aggression meant to threaten Polish national independence" and asked democratic nations to give Poland their full support.[13]

But already on September 5, the head of the Comintern, Georgi Dimitrov, foreseeing a divergence of positions between Western communist parties and Moscow, asked Soviet leaders for instructions concerning the Comintern's new line: "In the elaboration of the tactics and political objectives of communist parties, we are encountering extraordinary difficulties. In order to overcome them and make a correct decision, we need, now more than ever, the immediate aid and advice of Comrade Stalin."[14] Along with Molotov and Zhdanov, Stalin met with Dimitrov on September 7, announcing a brisk shift in the strategy of the international communist movement. The summary of the meeting, preserved in Dimitrov's diary, clearly illustrates both Stalin's vision of the Soviet

12. *Akten zur Deutschen Auswärtigen Politik 1918-1945*, D Series, Vol. VII (1956), pp. 140-1.

13. See K Anderson and M. Chubarian, eds., *Komintern i Vtoraia Mirovaia Voina* (Moscow: 1994), Vol. 1, pp. 8-9.

14. Anderson and Chubarian, *op. cit.*, p. 10.

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regime's interests and its reasons for intervening in WWII.[15] Stalin explained to Dimitrov that two blocs of capitalist countries were at war: those with few colonies and raw materials were struggling for a new division of the world against rich capitalist countries. In this new situation, the traditional contraposition between capitalist countries with democratic regimes and fascist ones had lost its "old meaning." The slogans of "national unity" and "popular front" had become obsolete.

Convinced that the Soviet government could "pit one part against the other," Stalin formulated his concept of war as a favorable opportunity for the USSR: "We can move so that they fight among themselves and weaken each other. It would not be bad if, because of Germany, the position of the wealthier capitalist countries (most of all England) was undermined. Without realizing or desiring it, Hitler himself threatens and compromises the capitalist system." In an extremely cynical way, Stalin defined his position *vis à vis* Poland: "It is a fascist country, which oppresses Ukrainians, Belorussians and other nationalities. Under present conditions, its destruction would mean one less fascist state. What would be wrong if, following the defeat of Poland, we were to expand the Soviet system over new territories and new populations?"

The Comintern's position was immediately reversed. The very day following the meeting with Stalin, Dimitrov sent out new directives, so that the various communist parties, especially the French, the English, the Belgian and the American, would correct their political lines, because "the international proletariat cannot defend fascist Poland, which has rejected the Soviet Union's aid and which oppresses nationalities."[16] The communist parties blindly obeyed the Stalinist diktat, and practically none of their leaders objected to the partition of Poland and to the Ribbentrop-Molotov Pact.[17]

15. Giorgi Dimitrov, *Dnevnik, March 9 1933-February 6 1949* (Sofia: 1997), pp. 181-182. All subsequent citations are from these pages.

16. Dimitrov, *op. cit.*, p. 182.

17. The head of the Finnish Communist Party, Arvo Touminen, was the only exception. But Touminen' objections to Stalin's policy and the Comintern's subservience were aired only after the Finnish government was forced to capitulate. To emphasize the uniqueness of Tuominen's position, immediately attacked by communist propaganda, it is worth quoting from his letter to the Comintern: "For some time now, I find myself in disagreement with the Comintern's policy, in particular with its leadership's tendency to approve as a docile and submissive servant all of the decisions of the head of the Soviet Union concerning domestic and foreign policy, even those which contradict the Comintern's original program and the interests of the international proletariat. . . . Not even the best propaganda can mask the fact that the Soviet government, by allying itself with the criminal and warmongering government of imperialist Germany, has taken the same path of imperialist policies." See Anderson and Chubarian, *op. cit.*, pp. 368-369.

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During the first two weeks following the Nazi invasion of Poland, the Soviet leadership organized its own invasion. On September 9, having received news from Berlin (which later proved to be false) that German troops had taken Warsaw, Molotov sent "a message of greetings and congratulations to the government of the Third Reich," and informed the German ambassador that "Soviet military operations would begin in a few days."[18] Toward the middle of September, about a million Soviet soldiers concentrated on the Polish border, along with some tank divisions and conspicuous detachments of the Soviet air force. The military command received orders to prevent the Polish army from seeking refuge in Hungarian or Rumanian territory, thus making sure of "annihilating and capturing Poland's armed forces."

On the night of September 17, Ambassador Schulenburg sent the following telegram to Berlin: "Along with Molotov and Voroshilov, Stalin has met with me at 2am and has informed me that the Red Army will cross the Soviet border from Polock to Kamenec-Podolsk at 6am. In order to avoid incidents, he has requested that German airplanes, beginning today, stop flying to the east of the Belostock-Brest Litovsk-Leopolis line. Beginning today, Soviet airplanes will begin bombarding the zone east of Leopolis."[19] The Soviet government never declared war on Poland. To hide the obvious analogy to Nazi aggression, Stalin sought to present the Soviet army's attack as a defense of Ukrainians and Belorussians in Eastern Poland against the Germans. The expression used in the Soviet note to the Polish government, i.e., that the troops had crossed the border "to extend a brotherly hand to the Polish people," became an ironic epitome of Stalinist policy *vis-à-vis* Eastern Europe.

The sudden Soviet invasion met immediate success against what was left of the Polish army, engaged in its last efforts to confront Nazi aggression. The superiority of both German and Soviet forces over the Polish army was devastating. On September 21, the People's Commissar for Defense, Voroshilov, was ordered to receive favorably "any request of aid to the Red Army by German representatives to annihilate Polish detachments or bands, by deploying necessary forces."[20] Thus German and Soviet troops operated in close collaboration, especially in destroying Polish detachments, such as General Anders' brigade. Within twelve days, Soviet troops had occupied all of the territory assigned to the Soviet Union

18. Pikhoia and Geisztor, *op. cit.*, p. 11.
19. N. Eidelman, "Tragedia Polshi," in *Moskovskie Novosti* (September 24, 1989), p. 8.
20. Pikhoia and Geisztor, *op. cit.*, p. 86.

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by the Ribbentrop-Molotov Pact, and had stopped on the demarcation line agreed upon with the Germans, thus completing the country's new partition. Poland, "this bastard born of the Versailles Treaty, has ceased to exist," said Molotov to the deputies of the Supreme Soviet.[21] With the partition of Poland, the USSR received 52% of Polish territory, comprising one third of the country's inhabitants, including about 250,000 soldiers and officers of the Polish army, prisoners of an undeclared war.

In preparing for the invasion of Poland, the Soviet leadership had not overlooked the problem of prisoners of war [POWs]. Two days after the invasion, the Kremlin approved a document concerning the status of war prisoners which, in full accord with the practice of corrective labor in concentration camps for Soviet citizens, prefigured "the utilization of prisoner labor in Soviet industry and agriculture."[22] On the very same day, a "Directorate for Prisoners of War Affairs" was created within the NKVD, entrusted both with supervising the organization of the camps and the surveillance, interrogation and utilization of prisoners. Petr Soprunenko, a staff-member of Beria's Secretariat, was appointed as its head. Semen Nechorosev, one of the heads of the Gulag, was appointed Commissar. The first eight camps were organized, and it was decided to place the NKVD escort troops on a war footing.

But the problem of POWs turned out to be more complex than originally imagined.[23] Politically, Soviet propaganda concerning "voluntary reunification" with the USSR of the Western Ukraine and Western Belorussia — territories Bolshevik Russia had lost as a result of defeat in

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21. *Pravda* (November 1, 1939).
22. Pikhoia and Geisztor, *op. cit.*, p. 74
23. On September 21, 1939, the Soviet commander in occupied Western Ukraine communicated to Stalin that: "With the Red Army's offensive, the Polish army was so demoralized that it hardly put up any resistance, with the exception of small, isolated initiatives of border guards, of *osadniki*, of groups separated from the central command. Many officers and reserves have been imprisoned. It has been possible to send part of the prisoners through the rail lines between Stanislav and Gusjatin. Yet, most prisoners have gone home. Since the roads have not been repaired, there are no provisions to feed them, and, in general, we are not ready to accommodate such a great number of prisoners. Primarily the officers have been arrested. Some work of political education is being conducted among the prisoners. I think it is necessary to receive instructions from the government concerning the freeing of rank-and-file prisoners, since there is nothing to feed them, while their surveillance requires a large number of people." See "G. Kulik to Stalin, Molotov, Voroshilov, September 21, 1939," in Pikhoia and Geisztor, *op. cit.*, p. 83. The *osadniki* were the counterparts of the Russian Cossacks. They were ex-soldiers, who had received land in the territory of Western Ukraine and of Belorussia ceded by Russia to Poland according to the 1921 Riga Treaty. They combined farming with defense of Poland's eastern borders.

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the 1920 war with Poland — contradicted the internment of tens of thousands of Polish citizens of Ukrainian and Belorussian origin mobilized following the Nazi invasion. Moreover, the camps were not ready to accommodate such large numbers of war prisoners. Confronted with hunger and epidemics in hurriedly organized camps, the Politburo created a special commission headed by Beria and Zhdanov.[24] Based on this commission's proposal, the Politburo decided to free most of the soldiers residing in Western Ukraine and Belorussia, keeping only 25,000 for construction of the Novgorod-Volynsky-Leopolis road. As a veritable slave-owner, the NKVD provided the labor-power of deported people and of POWs to the various Soviet ministries which, in turn, not only had to provide jobs and lodging for the prisoners, but also to pass part of their earnings on to the NKVD to cover the costs of the surveillance personnel and of the local offices of the Commissariat of the Interior. Unlike simple soldiers, Polish officers, policemen, guards, secret service agents and even court clerks and state functionaries were interned in the camps near Kozelsk, Starobelsk and Ostaskov.

The NKVD exploited its enormous experience in the management of millions of prisoners in the Soviet camps. Already on October 8, 1939, Beria signed a directive on the tasks of the secret police with regard to prisoners and guards in the camps, as well as people living in the villages close to the camps.[25] The fundamental task was to "build an information network to identify counterrevolutionary elements among war prisoners and to clarify their attitudes." The directive prefigured the need to create two categories of agents: those who, "pretending to remain in their position of struggling for the reconstruction of Poland," could infiltrate "all of the anti-Soviet small groups among the prisoners, primarily former members of the counterrevolutionary Polish political parties, officers, and army functionaries," and those who were able to infiltrate prisoners' groups owing to a common geographical origin or become members of the same detachment. The long list of organizations whose members were considered the most dangerous enemies of the Soviet Union, and thus to be scrupulously identified and controlled, included not only military associations, e.g., those of officers and reserve staff, but also socialist and social-democratic parties, religious and professional organizations, ethnic

24. "On the Prisoners of War," the Protocol of the Politburo meeting of October 2, 1939, in R. Pikhoia and A. Geisztor, *op. cit.*, pp. 118-119.

25. "Beria's Directive to the NKVD Directorate for Prisoners of War Affairs of October 22, 1939," in *Voenno-istoricheskii Zhurnal*, No. 6 (1990), pp. 50-51.

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minorities and white Russians who had emigrated from Russia after the October Revolution. In addition, it was particularly important to identify and to recruit Polish prisoners willing to collaborate, in particular "those who could be used [as agents] beyond the Polish borders."

The work of identifying and arresting Polish officers continued until the end of 1939 in all Soviet-occupied Polish territories. By special order, low-level officers and *osadniki* were treated as full-rank officers and, consequently, imprisoned in the camps. Only part of the arrested officers were career people. Most of them were reservists, i.e., journalists, professors, doctors, lawyers, engineers and artists, who had been mobilized into the Polish army.[26]

Between the end of October and the beginning of November 1939, the German and Soviet allies exchanged Polish war prisoners: 43,000 Polish soldiers residing in the territory now under Germany's control were given to the Germans, while the latter gave to the Soviets about 14,000 soldiers and officers residing in the eastern territories. This exchange testifies not only to an active collaboration, but also to a particular "division of labor" between Stalin's and Hitler's regimes. The Soviets held all the officers in the camps, even those residing in the western part of Poland then under German control;[27] in addition, they immediately arrested and transferred to the camps all of the officers handed over by the Germans. Notwithstanding repeated appeals, the Stalinist leadership refused to honor the requests of Jews and Communists afraid of Nazi persecutions to remain in the USSR.[28] Moscow's November 4, 1939 answer to the head of the Kozelsk camp is typical: "After having examined the requests of the POWs not to be transferred to their place of residence (in the territory now under German control), the Directorate for Prisoners of War Affairs considers the reasons provided to be unfounded. Explain in detail to these war prisoners that they have to return to their permanent place of

26. To the questions of the head of the Putivl camp concerning what to do with complementary officers, reservists and doctors, the answer from Soviet headquarters was clear: "Professors, journalists, doctors, artists and other experts, who have served in the Polish army as officers, as well as border guards, policemen, provocateurs, high military and civilian functionaries, secret service agents, those active in political parties and anti-Soviet organizations, land-owners and noblemen identified among the war prisoners, residing both in the Western Ukrainian and Belorussian territories and in the territories assigned to Germany, will have to be held in the camp." See "P. Soprunenko to N. Smirnov, October 23, 1939," in Pikhoia and Geisztor, *op. cit.*, p. 162.

27. "Directive of the Head of the NKVD Directorate for Prisoners of War Affairs, P. Soprunenko, October 22, 1939," in *ibid.*, p. 158.

28. "Soprunenko to Beria, October 28, 1939," in *ibid.*, p. 168.

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residence, and that we must transfer them to those places."[29]

The NKVD's primary task in the annexed territories consisted in the immediate identification, arrest and detention of those belonging to the undesired categories. Following Moscow's instructions, NKVD investigators identified new categories of criminals: from simple "spies" and "trouble-makers" to "saboteurs" and "provocateurs." In addition to the generic character of the accusations, there was also an extreme elasticity of application, allowing incrimination of the maximum possible number of those accused.[30] Thus, NKVD investigators in the camps continued to manufacture accusations, whereby a simple worker belonging to no party, who had served for two years in the Polish army, was accused of "defending the interests of the Polish bourgeoisie," while a semi-literate peasant, who before being arrested had served for three years in the police force of a small provincial town, was accused (according to Article 54, part 13, of the penal code) of "armed struggle against the international communist movement."[31] The death penalty for those accused of counter-revolutionary activities was not rare, especially considering that, already on October 3, 1939, the Politburo allowed "Military Councils on the Ukrainian and Belorussian front to approve capital punishment, meted out by military tribunals for counterrevolutionary crimes by citizens of Western Ukraine and Western Belorussia, and by military personnel of the former Polish army."[32]

The Moscow archives contain ample documentation relative to the life of Polish officers and of other war prisoners in the camps from October 1939 to March 1940. The monthly reports of camp commanders concerning "the moral-political state of the prisoners"[33] and the "special communications"

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29. Pikhoia and Geisztor, *op. cit.*, p. 413. It should also be recalled that in February 1940 Stalin handed over to the Gestapo German communists who had sought political asylum in the USSR and had been held in the Soviet camps since the 1936-38 purges. These people went directly from Soviet to Nazi concentration camps. Concerning this experience, see Margarete Buber-Neumann, *Als Gefangene bei Stalin und Hitler. Ein Welt im Dunkel* (Stuttgart: Deutsche Verlag-Anstalt, 1958). See also Edward Fitzgerald's abridged English translation, *Under Two Dictators* (New York: Dodd, Mead & Co., n.d.).

30. Although rare, in some cases heads of the Directorate for Prisoners of War Affairs showed themselves to be reasonable and recommended freeing part of those detained. Thus, one of them, pointing out that, since "the majority of the so-called police reserves consists of workers and peasants who had never before worked for the police and that, because of advanced age and or being physically inadequate for army service, had been assigned to serve in the police," they should be released from the camps. This request was rejected by the central organs. Pikhoia and Geisztor, *op. cit.*, pp. 26-27.

31. *Ibid.*, pp. 294-295.

32. *Ibid.*, p. 129.

33. *Ibid.*, pp. 238-246.

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concerning "violations of the camp regime," in particular hunger strikes and refusal to work,[34] clearly illustrate the conditions of everyday life in the camps. The prisoners were subjected to constant propaganda. They were forced to participate in official study groups debating themes such as the "22nd Anniversary of the Great Socialist October Revolution," or "the material and cultural well-being of USSR workers," to read Molotov's speeches and materials of the sessions of the USSR Supreme Soviet, to listen to radio Moscow, and to watch dozens of Soviet propaganda films.[35]

The "work of political education" sought to control war prisoners' attitudes. Any form of autonomous organization was forbidden. In particular, it was forbidden to organize religious celebrations, independent study groups, funds for mutual support, or to provide lessons for fellow inmates. Every inmate in the Kozelsk, Starobelske and Ostaskov camps was subject to long and repeated interrogations. The investigators were interested particularly in the inmates' social origin and socio-economic position, their political orientation, party affiliation, ties with Western countries, and knowledge of foreign languages. They minutely registered every manifestation of patriotic sentiments *vis à vis* Poland and its government, in addition to any expression of sympathy for France and England. From November 1939, when prisoners were permitted to send one letter per month to relatives, all correspondence was inspected in order to obtain additional information. The NKVD also conducted a constant search of people inclined to collaborate with the Soviet secret services.

Polish inmates tried to protest their detention, demanded recognition of their status as war prisoners, insisted on following international norms concerning the treatment of war prisoners and the application of the Geneva Convention, at least regarding doctors and pharmacists, and refused forced labor.[36] Toward the end of January 1940, the interrogations, compilation of personal files, collection of photographs and fingerprints had been completed. For each inmate, a list of charges had been drafted. In addition, the relatives of officers detained in the camps were identified and kept under the control of the Soviet secret services. The results of the preliminary work of the NKVD investigators indicated that,

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34. *Ibid.*, pp. 269-270.
35. *Ibid.*, pp. 240-246.
36. *Ibid.*, pp. 173, 269-270. A naive commander of the Starobelsk camp asked Moscow for the text of the Geneva Convention in order to "become acquainted with it," but he was told that he had to follow, not the directives of the Convention, but of "the NKVD Directorate for Prisoners of War Affairs." See Pikhoia and Geisztor, *op. cit.*, p. 189.

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on the basis of Moscow's instructions and personal experience, most of them assumed that Polish prisoners would be condemned to 8-10 years of detention in the Kolyma camps. Correspondingly, they prepared the investigative material and the charges to justify such sentences. The Politburo's decision concerning the fate of Polish officers should have surprised even the NKVD's experts.

Soviet "Class-Cleansing"

Recently released Soviet documents, including the Politburo resolution of March 2, 1940 "On the Defense of the National Frontier of Western Ukraine and Belorussia" kept in the Politburo's so-called "Special File," throw new light on the fate of the Polish officers.[37] They prove that the decision to eliminate the Polish officers matured within the Soviet leadership toward the end of February 1940. There are no memoirs concerning the decision-making process or informal discussions among Politburo members, but the fact that the first document, approved March 2, 1940, dealt with the fate of prisoners' relatives indicates that the decision to shoot the officers, formally approved by the Politburo on March 5, 1940, had been taken toward the end of February. On March 2, the Politburo approved the proposal submitted jointly by Beria and the First Secretary of the Ukrainian Communist Party at the time, Nikita Khrushchev, to "carry out the deportation in the Soviet regions of Kazakhstan, for a period of 10 years, all the families of war prisoners in the camps for former officers of the Polish army, policemen, prison guards, secret agents, former landlords, entrepreneurs and high functionaries of the former Polish state apparatus, comprising a total of 22,000-25,000 families" and to "arrest the most dangerous members of the deported families, concerning which NKVD organs have information about their past or present anti-Soviet activities, and subsequently to submit their cases to the examination of the special commission of the NKVD of the USSR."[38]

The unprecedented ferocity of the punishment of prisoners' wives, children, parents and siblings identified in the territory under Soviet control prefigured the character of the Politburo sentence of the prisoners themselves. The relevant documents,[39] drafted and signed by Stalinist

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37. See *Materialy "Osoboi papki" Politburo CC VKPb po voprusu sovetsko-polskikh otnosheenii* (Moscow: RZHIDNI, 1997), pp. 98-100.
38. *Ibid.*, pp. 99-100.
39. "L. Beria to J. Stalin, March 5, 1940," *op. cit.*; "The Protocol of the Politburo meeting of March 5, 1940," *op. cit.*

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leaders sure of their own impunity, remain shocking to this day for their incredible combination of cynicism, cruelty, and frankness. The seven members of the Politburo — Stalin, Molotov, Beria, Kaganovich, Voroshilov, Kalinin and Mikoyan — ordered the NKVD organs to examine the cases of 25,700 Polish war prisoners (14,700 interned in the camps of Kozelsk, Starobelsk and Ostaskov, and another 11,000 in the prisons of Western Ukraine and Belorussia) according to a "special procedure," i.e., "without indicting the inmates and without presenting any charges, without documenting the conclusion of the inquiry nor the charges," by meting out "the highest punishment: execution by shooting."[40] Politburo members had become accustomed to sign, in groups of two or three, orders of execution concerning thousands of functionaries and rank-and-file members of their own party, as well as simple Soviet citizens. The case of Polish prisoners, foreign citizens, probably required authorization by the majority of the Politburo and sharing of responsibility through a "blood pact."

The immediate reason for the executions was presented with disarming sincerity. According to Beria, "the prisoners of war and the police agents in the camps attempt to continue counterrevolutionary activities, carrying out anti-Soviet agitation. Every one of them cannot wait to be freed in order to engage actively in the struggle against Soviet power. NKVD organs have discovered in the western regions of the Ukraine and Belorussia a network of counterrevolutionary resistance organizations. In all of them, former officers of the former Polish army, former police agents and border guards have been in leadership positions." The head of the NKVD argued that the prisoners were "all inveterate and incorrigible enemies of Soviet power . . . full of hatred for the Soviet system."[41] They represented a grave security risk and had to be destroyed.

There is not a shadow of a doubt that the shooting of the Polish officers was dictated also by security considerations, in this case indistinguishable from those of pure imperialism, which rendered it a new episode in the centuries-old history of Russian efforts to subjugate Poland. The Soviet Union was about to annex half of Poland, and Soviet leaders were

40. The order gave mid-level NKVD officers the option of transferring some prisoners that "exhibited an interest in working" for the Soviets to other camps. Thus, 448 prisoners in the officers' camps were spared, i.e., 3% of the entire population. One among them was Jozef Czapski, future aid of General Anders; another was Stanislaw Swianiewicz: still another was Solomon Slowes, a surgeon. All three subsequently became authors of important books about the Katyn massacre. See, for example, Stanislaw Slowes, *The Road to Katyn. A Soldier's Story* (Oxford: Blackwell, 1992).

41. See "L. Beria to I. Stalin," March 5, 1940, *op. cit.*

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determined to eliminate those members of the nation which in the future could have led a struggle for its rebirth.[42] Thanks to the untiring work of the administrations of the camps and of the organs of the secret police, which succeeded in keeping the prisoners under strict surveillance, subjecting them to numerous interrogations and infiltrating a large number of agents and informers, Soviet leaders were fully aware of their political orientation and of their attitude toward the USSR. They were aware of the fact that, after several months in harsh conditions and under hammering propaganda, the overwhelming majority of the Polish officers had not caved in either politically or morally: they had retained their patriotic sentiments, political orientations, and religious and ethical values; they considered both Nazi Germany and the Soviet Union to be aggressors, and were ready to fight for the rebirth of an independent Poland. All efforts, through promises, threats and blackmail, to "re-educate" Polish prisoners and get them to collaborate with the Soviets had failed. Beria informed Stalin that, when all was said and done, the NKVD had succeeded only in convincing 24 Polish officers (3 generals, a colonel, 8 sub-colonels and 12 officers of lower ranks) to participate in a future war on the side of the Soviet army.[43]

The intuition of Politburo members that they dealt with "inveterate and incorrigible enemies of Soviet power" was reinforced by the fact that most prisoners were not career officers, but reserves, i.e., they were members of the Polish intelligentsia, hated by both the Soviets and the Nazis as potential resistance leaders. In addition, the decision to empty the Kozelsk, Starobelsk and Ostaskov camps of Polish POWs was also tied to the Kremlin's hope of rapidly breaking the resistance of the Finnish army and of interning thousands of Finnish prisoners.[44] Finally, a psychological factor is not to be excluded: according to various indications, Stalin harbored a particular aversion and diffidence toward the Poles, recalling the humiliating defeat suffered by the Red Army near Warsaw in 1920, for which he bore direct responsibility.[45]

Notwithstanding all this, the reasons for the execution of the Polish

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42. L. FitzGibbon, *Katyn* (New York: Scribner's Sons, 1971), p. 13.

43. N. S. Lebedeva, "Armia Andersa v Dokumentakh Rossiiskikh Arkhivov," in *Repressii Protiv Poliakov i Polkikh Grazhgan*, Vol. 1 (Moscow: "Memorial," 1997), p. 177.

44. See Pikhoia and Geisztor, *op. cit.*, pp. 227-229 and 272-273. Actually, the number of Finnish war prisoners turned out to be no more than a few hundred people, which could have been accommodated in other camps.

45. N. Lebedeva, "O tragedii v Katyni," in *Mezhdunarodnaia Zhizn*, No. 5 (1990); A. Paczkowski, "Polonie," in Stéphane Courtois, ed., *Le Livre Noir du Communisme* (Paris: Laffont, 1997).

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officers cannot be limited to psychological motives, contingencies of the moment or considerations of state security. Comparison of the execution of the Polish officers with the deportation of their relatives demonstrates that national security explains only one aspect, and not even the main one, of the Politburo's decision-making process. The killing of the Polish officers can be fully understood only as part of the general process of "class cleansing" in the Polish territories that had fallen under Soviet domination. In other words, in order to explain the decision to shoot the Polish officers it is necessary to understand the logic of the Stalinist totalitarian state.[46]

Documentation in the Russian archives, in particular the part regarding the fate of officers and of simple Polish citizens in the territories occupied by the USSR following the Ribbentrop-Molotov Pact, exemplifies the Soviet decision-making process and the reconstruction of the stages of the most brutal episodes of mass terror. Derived from the ideology of total class struggle, of social hygiene and "purification" of the social organism of "bourgeois contamination," the essence and the justice of the party-state had been formulated in 1918 in a well-known directive to Cheka operatives by one of its first heads: "We are not waging war against individuals. We are exterminating the bourgeoisie as a class. During the investigations, do not look for evidence that the accused acted in deed or word against Soviet power. The first questions that you ought to ask are: To what class does he belong? What is his origin? What is his education or profession? These questions ought to determine the fate of the accused. In this lies the significance and essence of the Red Terror."[47] These principles were elaborated and perfected in the following years of Soviet power, especially during the "great terror" of the 1930s.

Ideology provided the general ideas concerning the class structure of socialist and capitalist society, the definition of "enemy" and "friendly" classes, of "socially close" and "socially alien" categories. Following these ideological postulates, the secret police in its various embodiments — the Cheka, the GPU, the NKVD and the KGB — meticulously established the social belonging of every person suspected, under surveillance, or arrested. Various directives of the People's Commissariat of the Interior and of the State Security Committee concerning how to define a

46. Victor Zaslavsky, "L'Esperienza Sovietica," in M. Flores, ed., *Nazismo, Fascismo, Comunismo. Totalitarismi a Confronto* (Milan: Bruno Mondadori, 1998) pp. 103-130.

47. Cited in G. Leggett, *The Cheka. Lenin's Secret Police. The All-Russian Extraordinary Commission for Combatting Counter-Revolution and Sabotage* (Oxford: Oxford University Press, 1981).

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person's class or social category demonstrate the connecting "mechanism" between ideology and bureaucracy: they show how the postulates of Marxism-Leninism and the theory of the class struggle became, in Stalin's words, "the guide to practical action."

Already during the Russian Civil War, the Bolshevik Party turned the secret police into its main instrument for maintaining the monopoly of political power and for realizing its "palingenetic" project. In 1924, the Praesidium of the Central Executive Committee of the USSR approved a decree entitled "Authorization of the GPU to use exile, deportation and concentration camps." Also in the early 1920s, a "general instruction" was drafted, subsequently revised and updated, concerning how to establish the class or social category of a prisoner. The classification was carried out on the basis of three main characteristics: social origin of the citizen's family, his actual class status, and his political past. In complex cases, when, e.g., the citizen in question belonged simultaneously to two different categories, the NKVD investigator "had to orient himself on the basis of the vague general rule of not including in the 'socially close' category persons belonging to 'objectively alien classes' and vice-versa."[48] In practice, often the NKVD collaborator had a free hand in placing the prisoner in a category of his liking. Notwithstanding all this, NKVD investigators in newly acquired territories spent a colossal amount of energy assigning every prisoner in their "proper" category, in justifying their decisions, and in seeking or listing any type of reason to keep the highest possible number of Polish citizens under arrest as long as possible.

The execution of Polish officers, while perhaps the most tragic instance of the policy of "class cleansing," must not detract from the less known, but often not any less horrendous aspects of mass terror that engulfed the population of all the territories occupied by Soviet troops following the Ribbentrop-Molotov Pact. Documentation now available demonstrates that the intensity of the mass terror in Poland was greater than that in the Soviet Union.[49] Within about 20 months, more than 3% of the population of Eastern Poland, i.e., over 400.000 people, were imprisoned, deported or shot. According to Gorlanov and Roginsky, the vastness and intensity of the repressions can be explained by the fact that the struggle against "class enemies," the suppression of the "nationalist counter-revolution," the "liquidation of the *kulaks* as a class" and the purges of

48. O. Gorlanov and A. Roginsky, "Ob arestakh v zapadnykh oblastiakh Ukrauiny i Belorussii v 1939-1941 gg.," in *Repressii Protiv Poliakov i Polskikh Grazhdan*, *op. cit.*, p. 86.
49. *Ibid.*, p. 86.

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"untrustworthy elements" in the territories along the borders, which in the USSR took place over two decades following the October revolution, in Poland were carried out in less than two years.[50] Another reason for the efficiency of the repression in Poland is that it was possible to use the machinery of mass terror perfected in the USSR for over 20 years.

In 1940, the territories of Eastern Poland occupied by the Soviets suffered three successive waves of mass deportations. On February 10, the *osadniki* and various well-off peasants — the *kulaks*, in Soviet terminology — and their families were arrested and deported, on the whole a little more that 140,000 people; on April 13, the same fate befell the relatives of the executed Polish officers, 61,000 people; on June 29, 75,000 "refugees," mostly Jews who had escaped from the part of Poland occupied by the Germans and, in some cases, from Germany itself, were deported. The operations were planned meticulously. The NKVD demonstrated exceptional efficiency in arresting all members of the categories marked for deportation in a single day, in order not to spread the news and to give anyone the chance to escape or hide. The work of identification, surveillance, and arrest of members of the marked categories involved thousands NKVD and militia agents, communists, members of the communist youth, and the so-called "local activists."[51] Mobilization of activists undoubtedly was facilitated by the well-documented possibility of appropriating, in the course of deportations, the possessions of those being deported.[52]

In 1941, "class cleansing" in the territories of Eastern Poland intensified, but Poland ceased to be the epicenter of this policy. Mass deportations were extended to Latvia, Estonia, Lithuania, Bessarabia and North Bukovina, which in the meantime had been annexed to the Soviet Union. The enormous amount of work connected with controlling and utilizing the Gulag inmates, as well as the rapid adjustment of the social composition of the annexed territories to that already reached in the USSR, led the Politburo to create, alongside the NKVD, the infamous KGB.

50. *Ibid.*, p. 95.

51. Thus, in his report, the NKVD agent responsible for the province of Tarnopol emphasized with satisfaction the great success of the two deportations from the province, in the sense that there had been absolute secrecy concerning the operation and that, therefore, of the almost 70,000 people on the list, no one escaped. Another reason for the success was in the "particularly positive fact" that the communists in the province not only had contributed great personal efforts in facilitating the deportations, but had been able to insure the participation of 15.000 "local activists." Cited in S. Filippov, "Dejatelnost organov VKPb v zapadnykh oblastiakh Ukrainy i Belorussii v 1939-1941," in *Repressii Protiv Poliakov i Polskikh Grazhdan*, *op. cit.*, pp. 53-54.

52. *Ibid.*, p. 54.

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The NKVD's and the KGB's internal documents, drafted for their own dependents, provide guidelines for the policy of "class cleansing." According to these documents, whose titles speak for themselves (the "USSR's NKVD Directive Concerning the Deportation of Socially-Alien Elements of the Baltic Republics, from the Western Ukraine, Belorussia, and Moldavia" and "Information of the People's Commissariat for State Security Concerning the Number of Anti-Soviet and Socially-Alien Elements in Latvia, Estonia and Lithuania"), the following categories were subject to deportation: 1) Members of counter-revolutionary parties and of nationalist, anti-Soviet organizations; 2) Secret service agents, border guards and police functionaries, including even simple prison guards and policemen, if there are compromising documents against them; 3) Landowners, businessmen, entrepreneurs and functionaries of the bourgeois state; 4) Army officers and former members of the White Guard formations; 5) Common criminals; 6) Prostitutes registered with the police, who continue to practice their trade; 7) Relatives of people listed in points 1, 2, 3, and 4; 8) Refugees from the former Poland who refuse to accept Soviet citizenship; 9) Persons repatriated from Germany and Germans registered to return to Germany, but who refuse to leave.[53] Persons listed in the first four categories were to be interned in the NKVD camps, including those in Starobelsk, etc. now available after the executions of Polish officers in April-May 1940. Their fate would not have been much different, judging from the fact that their relatives, category number 7, were to be deported for 20 years to the regions of Kazakhstan, Siberia and the far North of the European part of Russia.[54] Common criminals were destined for the Gulag corrective labor camps, but since they were not defined as "socially alien," they received shorter sentences.

Various documents throw light on the tragic situation of the Polish deportees.[55] They mention various examples of the hostile attitude of the

53. N. Bugai, *L. Beriia-I. Stalinu: "Soglasno Vashemu Ukazaniu . . ."* (Moscow: AIRO-XX, 1995); and A. Gurianov, "Mashtaby deportazii naseleniia v glub SSSR v maeiune 1941 g.," in *Repressii Protiv Poliakov i Polskikh Grazhdan*, *op. cit.*, pp. 138-139. The overwhelming majority of Germans who refused to return to Germany were Jews.

54. Gurianov, *op. cit.*, p. 139.

55. Here are some examples of reports sent by Kazakhstan NKVD functionaries to Beria in October 1940. According to the head of the NKVD in Irtysh: "On September 8, 1940 the deported Polish woman, Varvara Paniuk, brought to the NKVD office four sons and two daughters ranging from 3 to 10 years of age, saying: 'Take them, because they suffer from hunger and I am unable to feed them. If you don't take them, I will have to kill myself." After having left the kids in the NKVD office, Paniuk left with a still suckling child and disappeared. Her body was not found. See A. Gurianov, "Polskie spezpereselenzy v SSSR v 1940-1941," in *Repressii Protiv Poliakov i Polskikh Grazhdan*, *op. cit.*, p. 122.

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local population and, in particular, of the administration of state enterprises and collective farms toward the Polish detainees. Reports from different regions are similar: local administrators inform the center about hunger, epidemics, and high mortality.[56] In the same reports, NKVD functionaries mention numerous examples of "anti-Soviet propaganda" and of "terroristic outbursts" on the part of the Polish deportees, without ever drawing any explicit connection with their living conditions. Within a year, 8% of the deported *osadniki* were dead.[57]

The last deportations from Polish territory began the night of June 20, 1941, but it could not be completed because of the Nazi attack against the USSR on June 22, 1941. The Soviet policy of social cleansing was substituted with an even more atrocious Nazi policy, based on extermination of categories such as Jews, communists, Left intellectuals, etc. After the Nazi attack, which caught Stalin completely by surprise, the Soviet leadership had to come to terms with the Polish government-in-exile. On August 12, 1941, after the Ukraine and Belorussia were occupied by German troops inexorably advancing toward Moscow, the Soviet government declared an amnesty for Polish citizens who had been condemned and deported during the previous year and a half. Reports prepared by the KGB, the new bureaucratic structure created at the beginning of 1941 to manage, together with the NKVD, the growing population of the Gulag, provide figures concerning the total number of the victims of the terror in the Polish territories during the 20 months of Soviet domination. According to the figures provided by the KGB to the Politburo, on August 1, 1941 the number of Polish citizens either imprisoned or deported by state security organs was estimated to be 381,220.

On October 1, 1941, Beria submitted an even higher figure,[58] informing Stalin that, toward the end of September, 341,840 people had been freed, out of 391,575 Polish citizens imprisoned in the camps and in the

56. The NKVD report from the Krasnoiarsk region for the last trimester of 1940 states: "Mostly the dead are the old and the invalid, who had to be transferred to the appropriate hospitals, but there are also middle-aged people and kids. The high mortality can be explained by the fact that the prisoners are not accustomed to the Siberian climate; most of them do not have heavy clothing and shoes and thus, following fevers and colds, have developed fatal sicknesses. What has also contributed to this has been the inadequate food supply, which has had a particular impact on the health of kids and old people." *Ibid.*, p. 127.

57. *Ibid.*, p. 124. Considering that they were peasants used to heavy work, it is possible to infer that mortality among the shot officers was even higher. Specific data concerning mortality within all of the categories have not yet been located.

58. Lebedeva, *Armia Andersa v Dokumentakh Rossiiskikh Arkhivov, op. cit.*, pp. 178 and 182-183.

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places of deportation. If one adds the approximately 25,000 people shot following the Politburo order of March 5, 1940 and the sentences of the Special NKVD Commission operating in Western Ukraine and Belorussia, and between 25,000 and 30,000 dead among those deported, the number of victims of repression in eastern Poland would reach 430,000-440,000 out of a total population of about 12 million people.

The shooting of Polish POWs by special units of the NKVD in 1940 is only one, not even the most bloody, of Stalinist crimes. Given events such as the liquidation of the *kulaks* as a class, the shooting of over a million people, including 44,000 officers, during the "Great Terror" between 1937 and 1939, or the deportation of entire ethnic populations during the last years of the war, Katyn loses its exceptional character and becomes an everyday crime of Stalinism. From the viewpoint of international relations, however, the Katyn massacre remains one of the most relevant events of WWII and an open challenge for 20th century historiography.

Concealing the Truth about the Katyn Massacre

After the partition of Poland, the USSR invaded and defeated Finland and annexed the Baltic countries, while Nazi Germany occupied the countries of northern Europe, forced France to capitulate, and was preparing to invade Great Britain. At that time, the destiny of the war prisoners became secondary. Only those few families of the Polish officers held in the camps, who had been fortunate enough to be spared deportation, noticed that in March-April 1940 the correspondence with their relatives in the camps suddenly stopped and their letters came back stamped "the addressee has departed."

On June 22, 1941, Germany invaded the Soviet Union and in July-August occupied the territories in which the camps of the Polish officers were located. Immediately after the German attack, the Soviet government established diplomatic relations with the Polish government-in-exile in London, and reached an agreement concerning the assembly of a Polish army on Soviet soil, under General Anders' command. On August 12, 1941, Polish war prisoners were granted amnesty and many of them joined Anders' army. Only 448 former inmates in the Kozelsk, Starobelsk and Ostaskov camps were among the freed prisoners. The rest had disappeared. On December 3, 1941, Stalin hosted Generals Sikorski and Anders, respectively the head of the Polish government-in-exile and the commander of the Polish army, who inquired about the fate of the officers imprisoned in Starobelsk and other camps. Stalin answered evasively, suggesting that they

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"may have escaped to Manchuria or hid somewhere in the Soviet Union."[59] In the presence of the Polish leaders, Stalin ordered that the inmates be located and freed. Yet, the Polish government's repeated requests to carry out the order were not heeded. In March 1942, the Soviet government prohibited publication of announcements for the search of lost prisoners that their families had printed in the organ of the Polish embassy in Moscow.[60] Within the Polish government and public opinion, the suspicion grew that the officers had been killed by the Soviets.

On April 13, 1943, the German mass media informed the world that in a forest near Katyn the bodies of thousands of Polish officers had been found, and charged that they had been shot by NKVD agents. At that time, the German military situation was deteriorating, and Nazi propaganda sought to exploit the occasion as much as possible. The German government created an International Medical Commission and suggested that the International Red Cross send its own experts to Katyn.[61] As part of the propaganda effort, the Germans brought to Katyn groups of English and American war prisoners to show them the graves. The discovery of the graves placed the Sikorski government in a difficult predicament. General Anders and his army, veterans of the Soviet camps, did not have any doubt concerning Soviet responsibility for the extermination of Polish officers. On April 18, 1943, Anders ordered the celebration of masses in memory of Polish war prisoners who had died in Soviet camps. Aware of the reaction by the army and Polish public opinion, and pressed by some ministers who had lost their relatives in the Soviet camps, the Sikorski government requested that the International Red Cross send a group of experts to Katyn.

Stalin, who was looking for a pretext to break with the Polish government in London, immediately jumped at the opportunity. On April 21, 1943, he sent identical telegrams to Churchill and Roosevelt, claiming that "the fact that the anti-Soviet campaign had begun simultaneously in the German and the Polish press, and follows the same line is definitive

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59. W. Anders, *Bez ostatnego rozdzialu. Wspomnienia z lat 1939-1946* (London, 1973), pp. 66-68; *Mezhdunarodnia Zhin*, No. 12 (1990), pp. 134-135.

60. G. Kaiser, A. L. Szczesniak, *Katyn, Der Massenmord von politischen Offizieren* (Berlin: Links, 1992), p. 99.

61. There is even a letter of Himmler to Ribbentrop in which the head of the Gestapo proposed to invite Sikorski to visit Katyn, to give him the opportunity to verify what had happened on the spot. In his answer, Ribbentrop, while recognizing a great propaganda opportunity, stated that Sikorski's visit would have violated the official German line of not having any contacts with the Polish government-in-exile. See *Akten zur Deutschen Auswärtigen Politik*, Series E, Vol. V, pp. 579-581.

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proof of contacts and collusion between Hitler and the Sikorski government. . . For these reasons, the Soviet government has decided to break relations with that government." On the same day, *Pravda* published an article titled: "The Polish Government Collaborates with Hitler." Western leaders' weak efforts to convince Stalin to change his decision yielded no results. On April 26, 1943, the Polish ambassador in Moscow received a note informing him of the end of diplomatic relations between the Soviet government and its Polish counterpart in London. It had been written personally by Stalin.[62]

In April 1943, an International Medical Commission was put together, composed of representatives of twelve countries, almost all allied with the Germans or under German occupation. It included a well-known professor of pathology at the University of Geneva, François Naville. This commission worked on location for a month, and on May 30 published its unanimous conclusion that the Polish officers had been shot in the spring of 1940. The date was a clear accusation of the Soviets.[63] At the same time, another group of experts, the so-called "Technical Commission" of the Polish Red Cross, worked autonomously in Katyn. Its conclusions were particularly important for two reasons. First, its members had lived under German occupation during the past three years, so they knew the Nazi's real attitude toward Poland and were extremely suspicious of the sudden German concern with the fate of Polish officers. Second, unknown to the Germans and the rest of the group, the Commission included several members of the Polish resistance, entrusted to gather information concerning the identity of the murderers and to communicate it to the government-in-exile in London. Independently of the International Medical Commission, the Polish Commission came to the same conclusions: the shooting

62. N. Novikov, *Vospominaniia Diplomata* (Moscow: Politizdat, 1989), pp. 124-125.

63. Gustaw Herling has recorded in his diary the vivid recollection of Vincenzo Palmieri, director of the Institute of Forensic Medicine at the University of Naples and one of twelve experts on the International Commission: "a stink, a terrible stink that I will never forget. It was difficult to work, even if the cadavers had been well preserved in the dry terrain. In the pockets of the uniforms were well-preserved identification cards, letters, newspaper cut-outs, family photographs . . . There were no doubts, among the twelve of us no one had any doubt, there was not even an objection. What was decisive was the autopsy of a cranium carried out by Professor Orsos of Budapest: on the inner wall he found a substance which begins to develop three years after death. There were also three years growth of trees planted on top of the graves. We remained up until three in the morning in order to draft the report because we needed the approval of all the signatories concerning every minor correction and detail. The report is irrefutable." See Gustaw Herling, *Diario Scritto di Notte* (Milan; Feltrinelli, 1992), pp. 99-100.

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had occurred in the spring of 1940. But the Polish Commission decided not to publish its conclusions in order not to play into the hands of Nazi propaganda. The only copy of the report was transmitted to the British government, which declared the document to be top secret and hid it for 45 years. That report was only published in 1989.[64]

Immediately after the liberation of the Katyn area, the Soviet government created its own "Commission of Inquiry," whose task was given away by its very name: "Special Commission for Ascertaining and Inquiring into the Shooting of the Polish Officers in the Katyn Forest Carried out by the Nazi Invaders." Composed exclusively of Soviet citizens, the Commission was headed by the well-known surgeon, Nikolai Burdenko, who was convinced of the Germans' responsibility.[65] Various documents have recently become available concerning the work of the Burdenko Commission. These indicate both the methods by which the extermination of prisoners was carried out, as well as those adopted by the members of the Commission to hide bothersome facts and to falsify autopsy reports.

It was a technically difficult task to secretly transfer thousands of inmates to the place of execution in a densely populated rural area, to shoot them and to hide the corpses, all in the span of three to four weeks. This required the involvement of various people at different levels — local administrators, state employees, military personnel, railroad and forestry guards, and undertakers — but, first of all, it required special NKVD units trained to kill. All of the autopsies indicate the highly professional level of the executioners: the overwhelming majority of the victims were shot with a single bullet aimed in a particular triangle at the back of the head. Only rarely had it been necessary to use two bullets.

The work was carried out by special NKVD units, which included tens of thousand of professional "executioners," specifically trained to kill those condemned to death and to hide their bodies. Unlike those of similar SS units, NKVD executioners were not obliged to extract from the corpses every gold object. The materials of the Burdenko Commission indicate that the exhumed corpses still bore gold teeth and rings. The proceedings also indicate that there were various instances in which the prisoners resisted. Many officers had wounds caused by bayonets, and some had their hands tied behind their backs with a special knot connected to the victim's neck, so that attempts to untie his hands would cause suffocation.

64. Cz. Madajczyk, *Drama Katynsky* (Warsaw, 1989); *Odrodzenie*, No. 9 (1989).

65. See Burdenko's letter to Molotov dated September 2, 1943, cited in V. Abarinov, *Katynskii Labirint* (Moscow: Novosti, 1991), pp. 133-134

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There are many technical details, often contradicting each other, such as that both the guns and the bullets were German-made, while the wounds were caused by Soviet bayonets and the rope was Soviet-made. The Burdenko Commission's conclusions concerning German guilt were based primarily on the fact, never challenged, that the bullets with which the Polish prisoners had been shot were German-made.[66]

In January 1945, the Burdenko Commission invited to Katyn a group of Western journalists, including the 25-year-old daughter of Averell Harriman, the then-American ambassador in Moscow. Those who went later described the meeting with the members of the Burdenko Commission as a *mise en scène*, but this did not prevent Kathleen Harriman from declaring, upon her return to Moscow, that the Soviet version was convincing. The Western journalists' visit had another consequence. According to the first version of the Burdenko Commission, the massacre had taken place between August and September 1941. Yet, the correspondents noted that all of the exhumed bodies were wearing winter clothing. Embarrassed, the Commission changed its conclusion, indicating that the massacre had occurred "between August and December 1941," but forgot to alter the text of the report. It contradicted the conclusion, stating that according to "witnesses," the executions had occurred "during August-September 1941."

Moscow's leaders sought to legitimate their own version and to put an end to the Katyn question. They counted on the Nuremberg Tribunal to settle German guilt once and for all. In Moscow, a "Commission for the Organization of the Nuremberg Trial" was created, presided by Andrei Vyshinsky. As indicated by the protocol's title, "Concerning the Preparation of the Accusation Witnesses," the March 21, 1946 session was dedicated to Katyn. In the NKVD-KGB lexicon, the expression "preparation of the witness" has always had a sinister meaning. In this particular case, the objective was obvious from the names of those in charge: one of Beria's deputies, Abakumov, was entrusted with preparing Bulgarian witnesses; another, Merkulov, German and Russian ones; the USSR's Attorney General, Gorshenin, the Polish ones; while Vyshinsky personally took charge of

66. The Burdenko Commission ignored the data concerning the bayonets and the rope, but fully exploited the fact that the bullets were German-made. The explanation provided earlier by the International Medical Commission was intentionally set aside, i.e., that the bullets had been made by Gustav Genschow Enterprises, located near Karlsruhe, and that, after the signing of the Versailles Treaty, which reduced German demand for ammunition, Genschow Enterprises began massive exports to the Soviet Union, Poland and the Baltic countries. Documentation in the Soviet archives now confirms that NKVD executioners were equipped with German guns and ammunition.

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supervising production of a documentary concerning Katyn.

Immediately after the end of the war, two experts of the International Medical Commission were located and arrested in Sofia and Prague. After three months in prison, the Bulgarian, Markov, a professor of forensic medicine and criminology at the University of Sofia, appeared before a "popular tribunal" and, claiming that he had signed the International Medical Commission's protocol under German threats, revoked his earlier declaration.[67] Despite all the "preparations," witnesses from the Soviet side were unable to provide non-contradictory and coherent versions. The Soviet representative to the Nuremberg tribunal thus proposed to "present the evidence concerning the Katyn case in written form, without the appearance of witnesses before the court." When the English, American and French judges rejected the request, the Soviet side managed to limit to three the number of witnesses for the prosecution and the defense. Brought from Sofia as one of the three prosecution witnesses, Markov reiterated that the International Medical Commission had worked under German pressure, but his deposition did not carry too much weight, since the Soviet part refused to listen to the testimony of other Commission members. In Nuremberg, Soviet prosecutors met an embattled defense, able to prove that the shootings could not have been done by Germans in 1941. Yet, the Western allies were not in a position to allow the Soviets to be accused of having perpetrated the massacre. The allied judges decreed that, since the crime had not been committed by the Nazis, the court had no mandate to conduct a subsequent inquiry. Thus, since the tribunal excluded it from the final sentencing for lack of evidence, the Soviet government failed to close the Katyn case in Nuremberg.

Soviet leaders would not have succeeded for half a century in hiding the truth about the Katyn massacre without Western government complicity. In 1943, after the Germans discovered the Katyn graves, Britain faced the dilemma of how to deal with the matter. It should be remembered that, until 1943, Stalin was far more popular than Roosevelt in British public opinion.[68] Leading newspapers and British pundits were in profound solidarity with the Soviet Union. The well-known historian, Edward H. Carr,

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67. As Palmieri told Herling: "Professors Markov, of Sofia, and Hajek of Prague, signed the Commission report without hesitation; there is nothing surprising if, subsequently, they retracted. Probably, I also would have done the same if Naples had been liberated by the Soviet army." See Herling, *op. cit.*, p. 100.

68. P. Bell, *John Bull and the Bear. British Public Opinion, Foreign Policy and the Soviet Union 1941-1945* (London: Edward Arnold, 1990), p. 91.

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argued in the *London Times* that acceptance of a Soviet sphere of influence in Eastern Europe was the only just and realistic result of the war. Initially, when the Germans controlled the Katyn area, it was impossible to undertake any impartial inquiry. Thus, there was considerable reluctance in Great Britain to take a position, for the lack of information concerning the events. Confronted with the need to insure Stalin's cooperation, Churchill decided to table the Katyn matter, by claiming that it lacked "practical relevance."[69] The English government's position was summarized in a directive of the office of political propaganda of the same date: "It is our job to help to ensure that history will record the Katyn Forest incident as a futile attempt by Germany to postpone defeat by political methods."[70] A few months later, however, the British ambassador to the Polish government-in-exile, Owen O'Malley, prepared a memorandum concerning the Katyn case in which he concluded that the crime had been perpetrated by the Soviets. Churchill defined the O'Malley memorandum as a "grim, well-written story," and sent it to Roosevelt, informing him that "we are not circulating it officially in any way."[71]

If the British government was concerned primarily with *Realpolitik*, Roosevelt's attitude *vis-à-vis* Katyn was determined both by his indifference concerning the fate of Eastern Europe and by his desire to insure Stalin's cooperation in organizing the world after the war. This position comes out clearly in Roosevelt's clash with his friend, George Earle, the special emissary for Balkan affairs. The former American ambassador to Bulgaria and Austria, Earle had gathered considerable information concerning Katyn, testifying to the Soviets' guilt and, in May 1944, had passed it on to Roosevelt. "George, this is entirely German propaganda and a German plot. I am absolutely convinced the Russians did not do this," Roosevelt replied.[72] Earle insisted, collected additional data and, in a private letter of March 22, 1945, informed the president of his intention to publish a complete report concerning Katyn. Roosevelt immediately replied: "I have noted with concern your plan to publish your unfavorable opinion of one of our allies . . . I not only do not wish it, but I specifically forbid you to publish any information or opinion about an ally, that you may have acquired

69. M. Gilbert, *The Road to Victory. Winston Churchill 1941-1945* (London: Heinemann, 1986), p. 664.

70. Political Warfare Executive Directive of 28 April 1944. Cited in Bell, *op. cit.*, p. 109.

71. W. Kimball, ed., *Churchill and Roosevelt. The Complete Correspondence*, vol. 2 (1984), p. 389.

72. Zawodny, *Death in the Forest*, *op. cit.*, p. 182.

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while in office or in the service of the United States Navy."[73] Shortly thereafter, Earle was given a diplomatic appointment in the far away Samoa Islands, and came back to the US only after Roosevelt's death.

Some reports, drafted by American officials or diplomats accusing the Soviet government of the Katyn massacre, were suppressed or simply disappeared. This is why Arthur Bliss Lane, who, at the end of 1944 and in the first half of 1945, was studying the Polish situation in the State Department in order to prepare himself for his appointment as the American ambassador to Poland, was given no information concerning Katyn, other than Kathleen Harriman's report, which affirmed German responsibility. Having taken this position, the English and American governments held it for a few years after the war's end. Between 1944 and 1951, the State Department and the White House did all they could to avoid making the truth about Katyn public. In 1950, Josef Czapski, General Anders' aide who miraculously had survived in Katyn and had collected much information on the fate of Polish prisoners, prepared a broadcast to Poland for Voice of America. But he was forbidden from even mentioning the Katyn massacre. All such Allied government efforts confirmed Stalin's and Molotov's impression concerning Western weakness and lack of nerve.[74]

Soviet secret services took advantage of this climate of complicity and indifference to launch an international campaign to discredit and silence those who knew about Katyn — in particular, International Medical Commission members living in countries outside the reach of Beria's men. Their surveillance was assigned to local communist parties. Thus, Swiss communists sought to accuse Prof. Naville of Nazi collaboration and to prevent him from teaching at the University. This was rejected by the Swiss authorities, who emphasized that Naville had carried out his duty as a scholar. The Soviets asked the Italian communists to follow the activities of another International Medical Commission member, Prof. Palmieri, and a denigration campaign was launched against him.[75] For awhile, Palmieri was the object of intimidating attacks and of constant

73. *Ibid.*, p. 183.

74. See F. Chuev, *Sto Sorok Besed s Molotovym* (Moscow: Terra, 1991), pp. 65-75.

75. Ernesto Quagliariello recalls: "As students in the sixth year of pathology, we were attending one of Professor Palmieri's lectures, when . . . suddenly a student well-known for his communist ideas, stood up and made threatening remarks, telling the teacher to shut up, saying he was not qualified to teach, and calling him a fascist, even a Nazi, a liar and a falsifier of historical truth, because he had blamed the glorious Soviet troops, the troops of Stalingrad, for the Katyn massacre." See *Nuova Antologia* (October-December 1991, pp. 127ff.

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surveillance by the Italian Communist Party, whose leaders provided Moscow with reports concerning his activities.[76]

This conspiracy of silence regarding Katyn generated strong resentment in some parts of American public opinion. In 1949, a private Commission of Inquiry was created concerning the Katyn massacre, headed by the former ambassador to Poland, Bliss Lane, who sought to bring the Katyn affair to the attention of the public. But only when the problem of the treatment of American POWs came up during the Korean War did the US Congress decide to form a special committee to inquire into the Katyn affair. The Soviet and the Polish governments were invited to participate in the hearings, but they declined. The committee subpoened from the State Department and the Army all relevant documents, listened to many witnesses, and published transcripts of the hearings in various volumes totaling 2,400 pages.[77] The Committee unanimously concluded that the evidence collected "proves conclusively and irrevocably that the Soviet NKVD committed the massacre of Polish army officers in the Katyn Forest near Smolensk, Russia, not later than the spring of 1940."[78]

During the Cold War, this conclusion was not accepted universally either by public opinion or Western historians, and in communist countries the issue was suppressed for almost half a century. Not even the British government, inspired by a misguided sense of *Realpolitik*, officially accepted the American conclusions, thus opening itself up to Soviet blackmail. Beginning in 1972, the Soviet government exerted strong pressure to prevent Polish immigrants from erecting in central London a monument dedicated to the Katyn victims. The British government acquiesced and denied the Polish community permission to build the monument. When one was erected in a private cemetery, the British government forbade its members and army representatives from participating in the ceremony. As late as July 11, 1988, one of the heads of the Foreign Office, Lord Glenarthur, declared in the House of Lords that there was no conclusive evidence concerning the NKVD's responsibility for the Katyn massacre. When

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76. Thus, in January 1948, a communist leader, Eugenio Reale, informed the Soviet ambassador in Rome that "the collaborationist, servant of Goebbels' propaganda, Palmieri" had held conferences and had published a book with anti-Soviet objectives. See the exchange between Reale and Kostylev on January 28, 1948, in the Foreign Policy Archives of the Russian Federation, Moscow.

77. *The Katyn Forest Massacre. Hearings before the Select Committee. 82nd Congress, 1st and 2nd Sessions* (1951-1952), 7 parts (Washington: U.S. Government Printing Office, 1952).

78. Cited in FitzGibbon, *op. cit.*, p. 201.

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Gorbachev acknowledged Soviet guilt and officially apologized to the Polish people, the Foreign Office limited itself to a ridiculous statement: "For long, we have called upon everyone to be open about this incident. We therefore welcome the revelations from Moscow."[79]

The Concept of Totalitarianism and its Critics

The vitality of "totalitarianism" as a concept can be measured not only by the sheer number of publications and international conferences dedicated to it in recent years,[80] but also by the fate of numerous and repeated attempts to declare the concept obsolete or politically incorrect or both. Two opposite approaches to refuting the validity of the concept have been particularly fashionable. The critique of totalitarianism as an excessively broad and misleading designation used to discredit the Soviet regime in particular and the international Communist movement in general has been popular on the European Left, especially among sectors close to the former or still-existing Communist parties. Conversely, the critique of totalitarianism as an excessively narrow and theoretically useless construct used to hide the fundamental cultural kinship of Nazism, Stalinism and liberal democracy, and to deflect attention from the real culprits, the Enlightenment and modernity, continues to flourish among American followers of the Frankfurt School.

The former group accepts totalitarianism as a useful analytical tool to examine German Nazism and Italian fascism, but denies its validity and applicability to communist systems, even to Stalinism and the Soviet experience. Typical in this respect has been the position of the German historian Hans Mommsen, who denies the very possibility of creating a comprehensive theory of totalitarianism. It is useful to restate Mommsen's argument, since it has been employed widely by a number of European scholars. Mommsen draws a distinction between a regime that uses technological means for manipulating the masses and for effecting potential and actual terror in order to bring about a radical egalitarian and anticapitalist development, as in the communist case, and one that lacks any such substantial social goal, as in the Nazi case. "This difference becomes quite

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79. Cited in W. Bartoszewski, "Foreword," in Slowes, *op. cit.*, p. 6.

80. A. Gleason, *Totalitarianism. The Inner History of the Cold War* (New York: Oxford University Press, 1995); AA.VV., *Totalitarizm i Antitotalitarnye Dvizheniia*, 2 Vols. (Kharkov: MNAB, 1995); Ia. Drabkin and N. Komolova, eds., *Totalitarizm v Evrope XX veka* (Moscow: Pamiatniki, 1996); E. Volkmar Heyen, ed., *Die öffentliche Verwaltung im totalitären System* (Baden-Baden: Nomos Verlag, 1998); Flores, *op. cit.*

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clear if one checks the capacity of system stabilization, which none will deny to Communist systems. All considerations of political power and bureaucratic deformation notwithstanding, the communist program retains a rational core, serving positive political development and social justice."[81] According to this line of reasoning, while communist regimes have a tendency to promote internal stability and to function under a clear chain of command, fascist regimes are inherently unstable and self-destructive.

Since the spectacular collapse of the Soviet Union has made this line of reasoning untenable, Mommsen's type of critique usually translates into a mere proclamation of the exceptionality of national communist parties. Thus, ideologically committed Italian historians now insist on the "miraculous experience of the Italian Communist Party," and argue that, connections to Stalinism notwithstanding, it was "an effective school of freedom and democracy for millions of Italians"[82] and managed to transform into "the longing for freedom and redemption the very same ideas that in other countries signified totalitarianism and extermination."[83] The self-serving character of such claims is obvious. Undoubtedly, they will meet the same fate as previous attempts by the New Left to discourage use of the term "Nazism" and to replace it with "German fascism" or simply "fascism," ignoring important differences between Nazism and Italian fascism.[84]

The Frankfurt School critique of totalitarianism, which sees totalitarianism and liberal democracy as simply different versions of the same "Enlightenment ideology," is reactivated by Alex Delfini and Paul Piccone, who write that "today 'totalitarianism' remains a viable ideological prop not only for self-congratulatory liberal legitimations of the status quo, but as an intellectual decoy preventing a distanced re-examination of complex phenomena such as fascism, Nazism, and, most of all, bureaucratic centralism, as different modernist variations of the same process of cultural involution that Western society has experienced throughout the 20th century."[85] They reluctantly concede that liberal democratic regimes

81. Hans Mommsen, "The Concept of Totalitarian Dictatorship versus the Comparative Theory of Fascism. The Case of National Socialism," in E. Menze, ed., *Totalitarianism Reconsidered* (Port Washington, NY, Kennikat Press, 1981), p. 164.

82. G. C. Marino, *Autoritratto del PCI Staliniano, 1946-1953* (Rome: Editori Riuniti, 1991), pp. 4-5 and 207.

83. G. De Luna, "La Storia Sempre 'Nuova' dei Quotidiani e la Costituzione del Senso Comune," in *Passato e Presente*, 44 (1998), p. 11.

84. "Totalitarianism," in Walter Laqueur, *The Dream That Failed. Reflections on the Soviet Union* (New York: Oxford University Press, 1994), pp. 77-83 and 205.

85. Alex Delfini and Paul Piccone, "Modernity, Libertarianism and Critical Theory: Reply to Pellicani," in *Telos* 112 (Summer 1999), p. 26.

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are "incommensurable with either fascism or communism in terms of repression and the disregard of personal freedoms,"[86] but nevertheless insist that 20th century totalitarian regimes have been simply "the next step in the peculiar pathological direction Western society has taken since the Enlightenment with modernity."[87]

In the grip of a profound cultural pessimism, curiously similar to Solzhenitsyn's denunciations of the West, Delfini and Piccone present a gloomy picture of contemporary Western society, characterized by "community disintegration, widespread substance abuse, high crime rates, family instability, personal dysfunctions."[88] They proclaim the differences between totalitarianism and liberal democracy to be insignificant in view of their presumed common origin and common reliance on the modernistic logic of development that pushes "both the US in particular and the West in general . . . in the disastrous direction taken by the Soviet Union."[89] Delfini and Piccone conclude in a manner reminiscent of Orwell's Ministry of Truth: just as "war is peace," contemporary liberal democracy managed by a New Class is "in principle not different from totalitarianism."[90]

Delfini's and Piccone's approach to totalitarianism is not so much "a careful historical reconstruction," as the authors claim, as it is a radical attempt to divorce theorizing from hard historical experience. Their treatment of the evolution of Frankfurt School thinkers in the US is instructive. Surprised by the fact that Horkheimer's and Adorno's *Dialectic of Enlightenment* never was completed and even was "practically repressed" by its Jewish authors, Delfini and Piccone explain this as a sort of opportunism: "At a time in which liberal democratic societies were engaged in a world war against Nazi and fascist regimes which, although deeply embroiled in modernity or in attempts to modernize, presented themselves as deadly opponents to liberalism and the Enlightenment, it would have been the utmost folly for Jewish refugees in the US to openly articulate any kind of critique of their host country even minimally resembling that of an enemy engaged in the extermination of 'the Jewish race'."[91] This is a plausible motive, but hardly the only explanation. For instance, far from overestimating the impact of their writing on the Allied war

86. *Ibid.*, p. 25.
87. *Ibid.*, p. 46.
88. *Ibid.*, p. 33.
89. *Ibid.*, p. 41.
90. *Ibid.*, p. 40.
91. *Ibid.*, p. 36.

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effort, Horkheimer and Adorno might have been influenced by a more realistic notion that working and prospering in the US was preferable to perishing in Germany or the Soviet Union. Their hard experience might have forced them to appreciate the existential (in the most literal sense of the word) difference between totalitarianism and liberal democracy.

In 1999, writing from New York and not from Pyongyang, Delfini and Piccone are less sensitive to such considerations. They can afford to mourn the good old days when Adam ploughed and Eve spun, while Russian *muzhiks* lived in an integrated, self-managing community whose strong traditional infrastructure presumably protected them from high crime rates, family instability and substance abuse. Their cultural pessimism stems from a correctly identified and deeply resented tendency in the post-communist world to dismiss "as ideological and tendentially totalitarian any proposal for radical social reconstruction of the institutions of modern civilization."[92] This is an understandable reaction of intellectuals, especially those who perceive themselves as New Class outcasts and misfits, to their failure to impose their projects of radical change on a recalcitrant society. But this is an inevitable and salutary effect of the Soviet collapse. In contrast to totalitarian regimes, liberal-democratic ones permit intellectuals to write invectives against liberal democracy and to propose radical revolutionary projects without suffering the most trifling inconvenience. This may be irritating, but one has to learn to live with it.

It is not that liberal democratic governments should be exempt from criticism or that inquiries into their seamier aspects should be discouraged. But the worst disservice that can be rendered to a critique of modernity, however radical, is precisely to reject the qualitative differences between totalitarianism and liberal democracy. To put it bluntly, Delfini's and Piccone's assertion that "the more recent 'political correctness,' deployed to 'sensitize' the US citizenry into 'proper' behavior, are in principle (but only in very abstract terms) no different from the Soviet or Nazi palingenetic projects"[93] is nonsense at the level of common sense, and remains such on all levels of abstraction.

Conclusion

Totalitarian regimes of the 20th century cannot be understood without giving full weight to the fact that their internal policies aspiring at maximum control as well as social and ethnic homogenization were linked

92. *Ibid.*, p. 26.
93. *Ibid.*, p. 45.

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inextricably with their aggressive foreign policies focused on empire building and world domination. Already in the 1930s, some perspicacious observers were aware that something momentous was happening in Italy, Germany, and the Soviet Union, and that it threatened to upset the international order. In 1935, Italian intellectuals exiled in Paris and centered around the journal *Giustizia e Libertà* recognized the "evident affinities" and "essential unity of the three dictatorships whose principal preoccupation consisted in the preparation of war,"[94] while the Russian scientist and philosopher Vladimir Vernadsky recognized in Soviet "international totalitarianism" and Nazi-fascist "racially exclusive totalitarianism" the major destructive forces of the period.[95] The Stalinist revolution turned the Soviet Union into an authentic totalitarian military-industrial state: its political elite was committed to the global triumph of socialism (meaning, in practice, expansion of Soviet control over new territories). 20th century historiography has yet to appreciate fully the fact that democracy in Europe was in mortal danger in 1939-41 and that its fate could have been sealed had the Nazi-Soviet alliance lasted another few years.

Above all, totalitarian systems demonstrated the capacity of the party-state to control, regulate and repress the totality of an individual's existence and to mold social institutions, practices and the very fabric of everyday life to a degree unimaginable before the 20th century. In particular, 20th century technology provided the necessary organizational means to effect the transformation of any given ideology into the dominant state ideology, with all the nefarious consequences. Thus, totalitarianism was able to turn anti-Semitism or anti-Kulakism into the state ideology and to create institutional structures necessary to exterminate the designated enemy of the people.[96] The peculiar mixture of modern technology and archaic pre-industrial forms of social organization has often been stressed

94. A. Caffi, "Opinioni sulla Rivoluzione Russa," in *Quaderni di "Giustizia e Libertà,"* No. 2, (1932), (Torino: Bottega d'Erasmo, 1975), pp. 99-100; La Forest, "Tre Dittature," in *Quaderni di "Giustizia e Libertà,"* No. 12 (1935) (Torino, Bottega d'Erasmo, 1975), p. 167.

95. V. Vernadsky, "Dnevnik 1938 goda," in Yu. Afanasiev, ed., *Sovetskoe Obshchestvo, op. cit.*, Vol. 1; V. Vernadsky, "Dnevnik 1941 goda," in *Novyi Mir*, No. 5 (1995), p. 179-215.

96. The major weakness of Daniel Goldhagen, *Hitler's Willing Executioners*, is failure to appreciate the role of the institutional structure of the Nazi state. The presence of the eliminationist anti-Semitism in German culture was an important prerequisite, but it was not decisive for the Holocaust. In the "doctors' plot" period, the Stalinist administration made all the necessary preparations for the deportation of Jews from major urban centers to remote regions of Siberia; only Stalin's death saved Soviet Jews from mass deportation.

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by students of totalitarianism. As Orwell noticed in 1941: "The order, the planning, the State encouragement of science, the steel, the concrete, the airplanes, are all there, but all in the service of ideas appropriate to the Stone Age."[97] An institutional analysis of Stalinism and Nazism broadens Orwell's observation: totalitarian regimes not only were guided by archaic ideas of total control and world domination, but also reintroduced slave labor. It is symbolic that the Soviet atomic bomb, the greatest scientific-technological achievement of Stalinism, was created by the so-called "First Main Directorate," was headed by Beria and employed dozens of thousands of scientists, engineers, technicians and skilled workers, overwhelmingly inmates of specialized concentration camps.[98]

Marxist-Leninist ideology should be counted among the fundamental characteristics of the Soviet totalitarian syndrome. Interpreting society as an organism continually developing toward final perfection, this ideology generated a program of radical social transformation within a very short time. It was realizable only by deploying mass terror and violence to a degree unprecedented in history. Upheld by a myriad of state organizations devoted to socialization and propaganda, this ideology sought to inform all aspects of life: the mentality, the worldview, the way of thinking and behaving of its followers. It divided the world into "us" and "them," and every member of society was seen not as an individual but, rather, as a representative of a class, of a social category, which, in turn, was perceived in terms of its location within the ongoing class struggle. The ideology provided criteria for distinguishing between "socially close" and "socially alien" groups and categories. The latter were an obstacle to social progress, and thus were destined to disappear. The logic and direction of this process were known to party leaders, who could accelerate it by means of decisive state actions.[99]

In light of newly available information, there is no doubt that the notion of the Soviet syndrome, based on an interdependent and mutually reinforcing single-party political regime and on a centrally-planned economy, has to

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97. George Orwell, "Wells, Hitler and the World State", in *Collected Essays* (London: Secker & Warburg, 1961), p. 164.

98. See D. Holloway, *Stalin and the Bomb* (New Haven: Yale University Press, 1995); Iu. Afanasiev, ed., *Sovetskoe Obshchestvo*, Vol. 2, *Apogei i krakh stalinizma* (Moscow: RGGU, 1997), pp. 155-167.

99. As Hannah Arendt pointed out, the new and unprecedented character of totalitarianism is in its invention of a new type of crime: the crime against humanity, the frontal attack to the very principle of pluralism of the human race. See Hannah Arendt, *The Origins of Tortalitarianism*, *op. cit.*

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be complemented by the military state paradigm.[100] Soviet mass terror had little in common with the episodes of terror typical of various traditional despotisms. Secret documents from KGB archives indicate that Soviet terror was a centralized practice, directed and controlled by the Soviet leadership.[101] When Stalinist leaders gave the order to kill tens of thousands of officers and to deport hundreds of thousands of inhabitants of Eastern Poland, they knew proper procedures and juridical norms, they knew they were violating their own Constitution and laws, but they did not consider themselves criminals. Rather, they saw themselves as benefactors at the service of humanity: they were simply accelerating history in its progress toward the perfect society. History had condemned these categories to "social death," and the Soviet state only sought to help the historical process reach its ineluctable goal in a rational and planned manner. This ideology, which was used to justify terror for the common good, had considerable attraction for a substantial number of Soviet citizens and for the entire international communist movement. One need only cite the report of a Polish Communist Party member, Wanda Bartoszewicz, sent at the end of 1941 by the Comintern to Anders' army, which was being organized on the Soviet territory, indicating "the spirit and political orientation within the army," and stating that "99% are people freed from the prisons, the camps and places of exile," and that they "are all true enemies of the USSR, ready to confess their crimes. Nothing could possibly change these people . . . and they simply have to be eliminated."[102]

The distinction between the formative period and that of the normal functioning of totalitarian systems, i.e., between the system-building and system-maintenance stages of development, has particular methodological significance. Scholarly attention has been concentrated on the system-building period in the history of 20th century totalitarian regimes. Analysts who dealt with the formative years of Stalin's Soviet Union or Hitler's Germany always were struck by the success of totalitarian politics. They

100. Victor Zaslavsky, "The Soviet Union," in C. Barkey and M. von Hagen, eds., *After Empire. Multiethnic Societies and Nation-Building* (Boulder, Colorado:Westview, 1997), p. 76; see also A. Janos, "Social Science, Communism, and the Dynamics of Political Change," in *World Politics*, No. 1 (1991); "What Was Communism? A Retrospective in Comparative Analysis," in *Communist and Post-Communist Studies*, No. 1 (1996).

101. So far, not only have the names of members of the secret tribunals, the famous troika which condemned to death hundreds of thousands of innocent people, been published, but also the instructions and dispositions signed by Stalin, Molotov and other Politburo members, wherein the exact number of people to be shot in every region of the country was planned with extreme care.

102. Cited in Lebedeva, *op. cit.*, p. 188.

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were especially interested in the ability and propensity of totalitarian regimes to use mass terror as an instrument of ordinary government, to direct it against entire "naturally existing" groups of people, and to create by design entire aggregates of people to be exterminated in concentration camps using bureaucratic organization and mass production techniques.

A comparative analysis of "mature," smoothly-functioning totalitarian regimes reveals obvious distinctions between the system-building and system-maintenance stages. The level of violence during Nazism and Stalinism was of a different order than in post-Stalinist USSR or in East European regimes. Established totalitarian regimes widely used imprisonment and occasional killing of dissidents, exile, expulsion, pervasive spying, routine denial of jobs, education, residence permits and travel. But recourse to mass terror no longer was necessary. The control became more pervasive, but it was much less brutal. Thus, a direct comparison between the Third Reich and the East German communist regime is misleading: it might be used to justify grouping both regimes under the totalitarianism rubric or to claim that they were essentially different. This is precisely what happened during the 1994 debate in the Enquete-Kommission of the Bundestag on the consequences of communist dictatorship in East Germany.[103] A meaningful comparison presupposes the distinction between the system-building and system-maintenance stages, since only by analyzing totalitarian regimes at the same developmental stage is it possible to demonstrate parallels and differences within a common framework. Since Nazism and fascism had been destroyed before they could enter the stage of "normal" functioning, an in-depth analysis of the maintenance and slow decay of Soviet-type systems now has become the main direction of comparative totalitarian studies. Empirically-grounded studies of the Soviet experience are crucial to overcoming the main weakness of applying the totalitarianism concept to the Cold War period, when Soviet totalitarianism had undergone a qualitative transition to the system-maintenance stage.[104]

Since Nazism and fascism were destroyed in WWII, and since the process of de-Stalinization resulted in a considerable reduction in the role of

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103. *Materialen der Enquete-Komission*, "Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland", vol. 9, *Zwei Diktaturen in Deutschland* (Frankfurt am Main: Suhrkamp, 1995), pp. 575-643; Charles Maier, *Dissolution. The Crisis of Communism and the End of East Germany* (Princeton: Princeton University Press), pp. 314-316.

104. See Moshe Lewin's review of A. Gleason's *Totalitarianism*, in *Slavic Review*, 2 (Summer 1997), pp. 425-426.

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terror as a means of ordinary government, many analysts have concluded that "both Nazism and Stalinism are now closed historical chapters."[105] This conclusion is not fully warranted, since the system generated by Stalinism endures, even if in a state of advanced decomposition. A new perspective on the totalitarian legacy is afforded by the system-maintenance stage of totalitarian regimes in, for example, the post-Stalinist experience of the USSR or East European countries before the destruction of the Berlin Wall. De-Stalinization signified the passage to a system-maintenance phase in Soviet development. The specificity of Soviet military-driven modernization becomes the focal point of an analysis of the evolution and the subsequent devolution of the Soviet system. What happens to a military-industrial society when war becomes impossible as a result of the emergence of new military technologies and the logic of mutually assured destruction? The history of Soviet totalitarianism at its system-maintenance stage is that of a systemic decay provoked by the self-destructive character of its military-driven modernization and the anti-innovative aspects of its socioeconomic system. It is a case of counter-modernization, which can be defined as an abrupt reversal of the key developments that have characterized all industrial societies to date. At this stage, Soviet-type societies began to manifest technological stagnation, a continuous decline in labor productivity and in the division of labor, increasing infant mortality, a pronounced drop in male life expectancy, an increasing waste of resources, and the spread of ecological damage.[106]

The notion that the "Soviet Union suffered a crushing military defeat in a time of peace" has been popular among Russian intellectuals, but one should not infer that liberal democracies won the Cold War by default. Summing up the experience of the 20th century, one should not only celebrate the collapse of totalitarian systems, but should also ponder the fragility of liberal democracy. Intellectuals who minimize or ignore the crucial differences between totalitarian and liberal-democratic regimes and, in their assault on the Enlightenment values, come close to justifying such fundamentalist reactions to liberal democracy as the Oklahoma bombing, are assuming a grave responsibility. Totalitarianism today is not dead either as a concept or as a possibility. While it is presently confined to North Korea, new outbreaks cannot be excluded. As long as liberal

105. A. Delfini and P. Piccone, *op. cit.*, p. 23.

106. For an analysis of Soviet countermodernization see Victor Zaslavsky, "The Soviet Union," *op. cit.*, and Victor Zaslavsky, *Storia del Sistema Sovietico*, 2nd ed. (Roma: Carocci, 1998), ch. 9.

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democracies keep control over arms of mass extermination, totalitarianism does not represent a serious threat. But some new technological developments may bring back war as a means of international policy and conflict resolution. This may generate new forms of totalitarian military-industrial regimes and give them a new lease on life.[107]

107. Victor Zaslavsky, "The Soviet Union," in C. Barkey and M. von Hagen, eds., *After Empire. Multiethnic Societies and Nation-Building* (Boulder, Colorado:Westview, 1997), p. 76; see also A. Janos, "Social Science, Communism, and the Dynamics of Political Change," in *World Politics*, No. 1 (1991); "What Was Communism? A Retrospective in Comparative Analysis," in *Communist and Post-Communist Studies*, No. 1 (1996).

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Dialogical Theories of Justice

David L. Williams

In modern societies, various peoples, seemingly sharing little in language, culture or history, often find themselves within the same political communities. John Rawls has described this as the main problem in questions of justice.[1] His well-known solution is the two principles of justice discussed in *A Theory of Justice* and *Political Liberalism.* Yet this solution seems burdened by the fact that the principles themselves presuppose a particular culture and history. Dialogical alternatives to Rawls' theory advocate no particular principles of justice. Rather, these theories of justice, best articulated by Jürgen Habermas and James S. Fishkin, leave these matters to the people themselves.

In *Between Facts and Norms*, Habermas argues that demographic heterogeneity is typical of "postmetaphysical societies."[2] The only way to have any order in such societies is to establish a procedure whereby people can formulate their own laws. This procedure is drawn from Habermas' well-known "ideal-speech situation," guaranteeing everyone the right to participate in and to criticize the state, free of any coercion. The objective is to provide a "filter that sorts out issues and contributions, information and reasons in such a way that only the relevant and valid inputs 'count'."[3] In *The Dialogue of Justice*, Fishkin's "self-reflective society" proposes a roughly similar solution from a different philosophical tradition. Accordingly, a just society is possible only if there are strict guidelines governing

1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. xvi.
2. Jürgen Habermas, *Between Facts and Norms,* tr. by William Rehg (Cambridge, MA: The MIT Press, 1996), p. 9.
3. *Ibid.*, p. 462.

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public deliberation. Like Habermas, Fishkin claims to avoid metaphysical questions.[4] The just society consists of "ideals without an ideal."[5]

Since usually "what is good is not new and what is new is not good," both Habermas and Fishkin turn out to have reformulated good ideas which, however, are not altogether new. Dialogical theories of justice have been around for quite some time. Jean-Jacques Rousseau formulated "the general will" in the following manner: "From the deliberations of a people properly informed . . . the great number of small differences will always produce a general will and the decision will always be good."[6] Fishkin himself acknowledges that his approach goes back to ancient Greece.[7] What is new in these theories, however, is the pretense to be free of all metaphysical baggage. While explicitly rejecting any transcendent normative assumptions, both Habermas and Fishkin rely on universal ideals. Thus, the basic rules of political procedure cannot be changed by the people themselves, because they presuppose transcendent, if indeterminate, ideals of justice and the common good. The constraints of their procedures are designed to generate a community that will develop into the most reliably just society. If their concepts of justice and the common good were merely conventional, it would not matter what these constraints were. But this is not the case. "Why has government been instituted at all," asked Alexander Hamilton in Federalist No. 15. "Because the passions of men will not conform to the dictates of reason and justice without constraint."[8] Dialogical theories of justice have

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4. James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven: Yale University Press, 1991) p. 126. Here Fishkin is hardly alone. According to Bruce Ackerman: "Liberalism does not depend on the truth of any single metaphysical or epistemological system. Instead, liberalism's ultimate justification is to be found in its strategic location in the web of talk that converges upon it from every direction. . . . The hard truth is this: There is no moral meaning hidden in the bowels of the universe." See Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980), pp. 361 and 368. Similarly, Benjamin Barber argues that: "democracy cannot and does not rest on 'foundations' in the way that (say) natural law or Platonic justice do." See Benjamin Barber "Foundations and Democracy," in *Politisches Jahrbuch 1993* (Stuttgart: Verlag J.B. Metzler, 1993), p. 31.

5. James S. Fishkin, "Ideals Without and Ideal," in *Individual Liberty and Democratic Decision-Making* (Tübingen: J.C.B. Mohr, 1987), pp. 7-30.

6. Jean-Jacques Rousseau, *The Social Contract*, tr. by Maurice Cranston (New York: Penguin Books, 1968), Book II, Chapter 3.

7. James S. Fishkin, *The Voice of the People: Public Opinion and Democracy* (New Haven: Yale University Press, 1995), p. 18.

8. Alexander Hamilton, "Federalist No. 15," in Clinton Rossiter ed., *The Federalist Papers*, (New York: Mentor Books, 1961), p. 110.

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learned half of the lesson provided by the past, i.e., by relying on dialogue to improve political discourse. However, they fail to acknowledge the other half, i.e., that the "improvement" can only be understood in reference to higher standards.

Habermas' Theory of Justice

For more than two decades, Habermas has been developing an intricate theory of law and politics to complement his ethical theory. Although not originally formulated as a "theory of justice," his ethics function in the same capacity, since he holds that "moral theories . . . are essentially theories of justice."[9] Habermas fancies himself a Kantian and even proposes a new formulation of the categorical imperative as the principle of Universalization (U): "*All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone*'s interests (and these consequences are preferred to those of known alternative possibilities for regulation)."[10] This principle, however, is ambiguous.

Habermas begins his essay on discourse ethics by arguing for the necessity of a cognitivist (or objectivist) ethics. His approach is unique and lays down the foundation on which he can base the principle of universalization. As usual in philosophical argument, he begins by disproving the opposite position, that of the moral skeptic.[11] Such a position allegedly relies on two presuppositions: 1) "the fact that disputes about basic moral principles ordinarily do not issue in agreement," and 2) "the failure of all attempts [by cognitivists] to explain what it might mean for normative propositions to be true."[12] Habermas, however, believes that skepticism can be defeated by his ethics, by finding universal agreement and substituting rightness for truth.

Habermas' account of language can be traced back to his essay, "What is Universal Pragmatics?" where he attempts to uncover the bases of understanding language. According to Habermas, there are three modes of communication — cognitive, interactive, and expressive — which correspond respectively to three themes — propositional content,

9. Jürgen Habermas, *Justification and Application*, tr. by Ciaran P. Cronin (Cambridge, MA: The MIT Press, 1993), p. 151.

10. Jürgen Habermas, *Moral Consciousness and Communicative Action*, tr. by Christian Lenhardt and Shierry Weber Nicholsen (Cambridge, MA: The MIT Press, 1990), p. 65.

11. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 55.

12. *Ibid.*, p. 56.

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interpersonal relations, and the speaker's intention.[13] Cognitive validity depends on the logical relation between particular claims and empirical facts. The claim that "horses do not have horns" may be said to be cognitively valid (or true) in that this claim corresponds with the objective world. The validity of expressive claims is dependent on one's claim being an accurate rendering of intentions.

For Habermas, however, the most important claims for the purpose of ethical analysis are interpersonal ones. For these, "the validity [or rightness] of the utterance performed depends on whether this action conforms to a recognized normative background."[14] This mode of validity is distinct from cognitively valid claims, due to the nature of the background. This is because "a moral norm . . . lays claim to meaning and validity regardless of whether it is promulgated or made use of in a specific way."[15] Assertoric propositions, on the other hand, do not exist outside of speech acts. "We can account for this asymmetry by saying that claims to truth reside only in speech acts, whereas the locus of normative claims to validity is primarily in norms and only derivatively in speech acts. . . . The social reality that we address in our regulative speech acts has by its very nature an intrinsic link to normative validity claims."[16] This "intrinsic" link is the ability of language to shape the normative reality against which it will be judged. Thus he claims that "norms are dependent upon the continual reestablishment of legitimately ordered interpersonal relationships. They would assume a utopian character in the negative sense and lose their very meaning if we did not complement them, at least in our minds, with actors who might follow them and actions that might fulfill them. States of affairs, for their part, must be assumed to exist independently of whether we formulate them by means of true propositions or not."[17] Thus the claim that "stealing is wrong" can be judged as right or having interactive validity only if this is what is held by the background norms of one's society. Thus, justice "is not something material, not a determinate

13. Jürgen Habermas, *Communication and the Evolution of Society*, tr. by Thomas McCarthy (Boston: Beacon Press, 1979), p. 58. Habermas later calls these "claims to truth," "claims to rightness," and "claims to truthfulness." By calling interactive moral claims, claims to rightness, rather than claims to truth, he can escape the noncognitivist/skepticist charge that cognitivist ethics cannot explain what it means for a normative proposition to be true. Instead they aim for the analogous status of rightness, which falls somewhere below truth in empirical status. See *Moral Consciousness and Communicative Action*, *op. cit.*, p. 58.

14. Habermas, *Communication and the Evolution of Society*, *op. cit.*, p. 28.

15. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p.60.

16. *Ibid.*, pp. 60-61.

17. *Ibid.*, p. 61.

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'value,' but a dimension of validity."[18] This raises the question, "how are these background norms constructed?"

Habermas suggests that all cognitivist ethics are to some degree variations of Kant's categorical imperative, inasmuch as they "take into account the impersonal or general character of valid universal commands."[19] He thus combines this universalizability with Kant's formalism to produce the maxim from which all ethical norms may be derived. However, this maxim is not enough. Habermas also believes that any such principle must "deserve recognition by all concerned."[20] To be valid, background norms depend on the beliefs of the entire community. If the whole community does not share a norm, then no one can be held to act in accordance with it. This sets Habermas apart from Kant's categorical imperative, the content of which is independent of anyone's (or even everyone's) assessment of it, placing it in a category at least analogous to Habermas's claims to cognitive validity. "True impartiality pertains only to that standpoint from which one can generalize precisely those norms that can count on universal assent because they perceptibly embody an interest common to all affected. It is these norms that deserve intersubjective recognition. Thus the impartiality of judgment is expressed in a principle that constrains all affected to adopt the perspectives of all others in the balancing of interests. . . . Thus every valid norm has to fulfill the following condition: (U) All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of *everyone's* interests."[21] Habermas's formula is obviously distinct from Kant's in yet another way. While Kant's norms may be derived from an individual's thought process, Habermas's requires a society-wide reflection. This formulation, however, still does not specify how to arrive at those norms which may be accepted by all.

According to Habermas, the only way to determine which of these norms may be accepted by all is to derive them directly from discourse: "(D) Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as *participants in a practical discourse*."[22] Thus, an exchange is required. Although he never provides an account of how exactly this takes place, it may be presumed

18. Habermas, *Justification and Application*, *op. cit.*, p. 152.
19. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 63.
20. *Ibid.*, p. 65.
21. *Ibid.*
22. *Ibid.*, p. 66.

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to happen as follows: within a given community, each citizen expresses a belief that murder, for example, is unacceptable; hence, murder is wrong. But this is still not a sufficient description of events. What is lacking are rules which constrain dialogue and give it legitimacy.

Since Habermas repeatedly emphasizes the importance of impartiality in cognitivist ethics, any discourse determining the community's moral standards should be expected to preserve this quality. This impartiality may be preserved by keeping the dialogue equally open to all. Habermas thus sets forth three conditions for the validity of dialogue: "(1) all voices in any way relevant get a hearing; (2) the best arguments . . . are brought to bear; (3) only the unforced force of the better argument determines the 'yes' and 'no' response of the participants."[23] These rules provide the ideal speech condition, from which background norms may be constructed. These rules, however, present a difficulty. They have not been generated by a purely formal procedure. This means that he has applied some substantive principles, which constitute his normative foundation.

What happens, then, in his most explicitly political work, *Between Facts and Norms*? The problem of political organization is perhaps the most difficult in ethical theory. For Habermas, it is even more difficult than for others, because he does not want to appeal to metaphysics. The modern age has abandoned the metaphysics one finds in Plato and Aquinas. Thus, whereas Plato could rest the legitimacy of his Republic on its resemblance to the Forms, this option is no longer available.[24] "This question becomes especially acute in pluralistic societies in which comprehensive world views and collectively binding ethics have disintegrated, societies in which the surviving posttraditional morality of conscience no longer supplies a substitute for the natural law that was once grounded in religion and metaphysics."[25] To avoid problems tied to metaphysical grounding, he applies the principles of his discourse ethics to produce a democratic society.

For Habermas, "democratic procedure should ground the legitimacy of law."[26] In order for a legal system to be democratic, it must do two things simultaneously. First, it must establish popular sovereignty. If the people are not, in some sense, ruling the land, there is no basis on which the law

23. Habermas, *Justification and Application*, *op. cit.*, p. 163.

24. See Jürgen Habermas, *Postmetaphysical Thinking* (Cambridge, MA: The MIT Press, 1992), p. 34; and *Between Facts and Norms*, *op. cit.*, p. 448.

25. Habermas, *Between Facts and Norms*, *op. cit.*, p. 448.

26. *Ibid.*, p. 151.

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can be valid. "Specifically," Habermas writes, "the democratic principle states that only those statutes may claim legitimacy that can meet with the assent of all citizens."[27] More specifically, the people's rule must involve deliberation. The people should consider various alternatives for public policy and choose the one they think is best through some procedure. This deliberation, however, does not occur without constraints. This leads to Habermas' second element of political legitimacy.

All citizens must be granted certain basic rights by the state. These rights shape the atmosphere of the deliberation between citizens on issues of policy. Habermas outlines five categories of rights. "1. Basic rights that result from the politically autonomous elaboration of the *right to the greatest possible measure of equal liberties*. 2. Basic rights that result from the politically autonomous elaboration of the *status of a member* in a voluntary association of consociates under the law. 3. Basic rights that result immediately from the *actionability* of right and from the politically autonomous elaboration of individual *legal protection*. 4. Basic rights to equal opportunities to participate in processes of opinion and will-formation in which the citizens exercise their *political autonomy* and through which they generate legitimate law. 5. Basic rights to the provision of living conditions that are socially, technologically, and ecologically safeguarded, insofar as the current circumstances make this necessary if citizens are to have equal opportunities to utilize the civil rights listed in (1) through (4)." These rights provide an unadulterated public voice from the people. If some members of society are excluded from the deliberations, the emerging policy cannot be valid. The rights function as a filter. Habermas does not mean to suggest that these rights are natural, in the sense that they have transcendent significance. There are no such rights in the state of nature. Rather, these rights exist only when the state is called into being. Even then, they can only have meaning when they exist along with popular sovereignty.

Fishkin's Self-reflective Society

Fishkin comes from a different tradition: the Anglo-American school of liberalism. Although he has often criticized liberalism and pointed out its limits, he embraces it. His project, consequently, has been to save liberalism from itself. He is torn by the problems generated by liberal theory, yet he is convinced that with enough tinkering it can be salvaged. Thus, in

27. *Ibid.*, p. 110.

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Justice, Equal Opportunity, and the Family, he points out the trilemma of equal opportunity, where three liberal values — merit, equal opportunity, and autonomy — turn out to be at odds with one another. Yet, he still thinks that liberalism can function under the notion of "ideals without an ideal."[28] It is in this spirit that he writes *The Dialogue of Justice*.

Fishkin holds that all liberal theorists may be understood in terms of how they answer two questions. First, do the participants choose social arrangements in circumstances where their motivations are altered or unaltered? A motivation which is brute does not alter the motivations of the citizen. This can be found in the work of state of nature theorists, such as Hobbes, Locke, and Nozick, who claim that the just society can only be determined by participants making decisions with unfiltered knowledge. A refined motivation, on the other hand, selectively filters the information known by the participants. Rawls' veil of ignorance functions in just this capacity, whereby no one can know anything about oneself in making moral decisions.[29] The second question asks in what condition the theorist chooses to place people. To chose actual situations, such as that employed by consent theorists, is to hold that justice is generated only in those situations which are actual or real. A hypothetical situation, on the other hand, "is an imaginary one, held to be morally relevant."[30] This is represented by Rawls's original position, which is not real, yet is regarded preferable to actual circumstances.

For various reasons, Fishkin suggests that all but one of the categories generated by the two questions are unacceptable, leaving the only option as one which is both refined and actual. This is Fishkin's self-reflective society. This society's norms and practices must satisfy four conditions: "1. The practices must be *consensual*, that is, they must have wide support throughout the society. 2. The practices must be (at least minimally) *voluntary* in that exit should be unimpeded for anyone that might wish to leave. 3. The practices must supply *essential benefits*. 4. The practices must be *self-reflective*. By this I mean basically that they must be subjected to continuing critical examination through unmanipulated debate."[31] Once a society fulfills these conditions, the members of the state assume a "moral obligation to obey" the

28. James S. Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven: Yale University Press, 1983), p. 10.

29. This is with the exception that participants "know that they are contemporaries." See *A Theory of Justice*, *op. cit.*, p. 140.

30. James S. Fishkin, *The Dialogue of Justice: Toward a Self-Reflective Society* (New Haven: Yale University Press, 1992), p. 50.

31. *Ibid.*, p. 124.

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results from this dialogue.[32] Thus, moral obligations may be assumed to be created in something like the following manner: people within a given society congregate to discuss moral and political ideas; they consensually determine that stealing is wrong; hence each citizen becomes morally obligated not to steal. This, however, is not an accurate account of the procedure, since it is necessary to remain aware at all times of the rules. If, e.g., at any time the debate is found to have been manipulated, the obligation is nullified.

The Hidden Ontology of Deliberative Democracy

Clearly, Habermas and Fishkin have much in common. For the present purpose, however, at least three common assumptions[33] are crucial: 1) the formal decision procedures from which legal commands may be derived, 2) a view that these formal decision procedures consist of a consensus generated in an unmanipulated dialogue, and 3) the normative assumptions concerning the rules governing dialogue. Both Habermas and Fishkin hold that legal norms should be determined by a decision procedure.[34] This is not original. John Rawls held that "justice as fairness is able to use the idea of pure procedural justice right from the beginning."[35] He hoped that by employing the original position he could avoid all the tricky questions that await substantive (i.e., non-procedural) theories. Proceduralism, however, does not begin with Rawls either. Kant stands as the first and perhaps the most significant of all moral proceduralists. His procedure is formal and, as such, set the model for many of his successors.[36] The main problem here is the emptiness of formalism. The only way to solve this problem is by introducing substantive ideas. Before and after his "critical" period, Kant sought substantive principles in the Platonic Forms. During his "critical" period, he is more subtle about them. Without them, however,

32. *Ibid.*, p. 117.

33. There are similarities in other areas, such as distributive justice. Thus, both Fishkin and Habermas could be classified as "want-regarding" theorists inasmuch as they both hold that the goods of value in a community should be determined by the community, as opposed to being determined by an outsider as with Rawls' "ideal-regarding" primary goods. For the distinction between "want-regarding" and "ideal-regarding," see Barry's *Political Argument* (Berkeley, CA: University of California Press, 1990), pp. 38-41,

34. Fishkin's notion of "essential benefits" may be seen as falling outside of this decision procedure. Fishkin, however, does not suggest there is some universal level of well-being to which all persons are entitled. Instead, the essential benefits are to be determined by the dialogue: "For the account of essential benefits to satisfy our argument, it will have to be the one that is both self-reflective and widely shared. In a self-reflective political culture, all the significant political practices will be the subject of a continuing debate." See *Dialogue of Justice*, *op. cit.*, p. 136.

35. Rawls, *A Theory of Justice*, *op. cit.*, p. 120.

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his theory, as well as those of Rawls, Habermas, and Fishkin, is as ethically meaningful as a mathematical equation. Habermas' and Fishkin's are remarkably similar. Nowhere is this more evident than in the use of real dialogues to reach moral principles. For Habermas, "the justification of norms and commands requires that a real discourse be carried out."[37] For Fishkin, actual "support — under certain favorable and demanding conditions — will determine solutions" to important ethical questions.[38] They require an actual dialogue producing consensus in order to reach morally justifiable maxims.[39] By conceiving of their theories as part of the real world, they have found a way to make the results binding.

The difference between Fishkin's and Habermas' theories, and those of others supporting free and open discussion is that, for Fishkin and Habermas, dialogues seem to create justice, rather than the other way around.[40] But if justice were merely an agreement among individuals, then what sense does it make for people even to deliberate about what justice is? Deliberation could not possibly be about anything substantive. According to their theories, there can be no such thing as justice prior to a legitimately executed dialogue. It would merely be a matter of everyone simply agreeing on issues, regardless of content.[41] This is hardly an accurate rendition of what

36. Such an interpretation may be at least partly mistaken. As Seung has shown, Kant was a formalist only during his critical period, when he first formulated the categorical imperative. See T. K. Seung, *Intuition and Construction: The Foundation of Normative Theory* (New Haven: Yale University Press, 1993), pp. 144-174. The procedure works in a manner such that any self-contradicting principle produced indicates that the associated practice is immoral.

37. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 68. At a later point, he rejects Rawls with a reasoning that could have easily been mistaken for coming out of Fishkin's book: "I think it unnecessary to resort to Rawls' *fictitious* original position with its 'veil of ignorance'." *Ibid.*, p. 198.

38. Fishkin, *Dialogue of Justice*, *op. cit.*, p. 118.

39. Here, they part company with Rawls, who explicitly creates a fictitious scenario. According to Fishkin, the problem with the Rawlsian contract is this fictitiousness. As Dworkin has noted, "hypothetical contracts do not supply an independent argument for the enforcement of their terms." See Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1978), p. 151.

40. John Stuart Mill was one of the great advocates of free discussion and has had an undeniable impact on Fishkin. But Mill's argument in *On Liberty* for free speech works in an opposite manner from the way it works in Fishkin and Habermas. For Mill, open discussion leads to justice; it is not justice in itself. On Mill's account, justice is not ontologically dependent on conditions of free speech, but is inextricably linked to the principle of utility and it is a mere empirical fact that dialogue leads to it. It is not a necessary ontological claim about the nature of justice. For Fishkin and Habermas, on the other hand, justice seems to be *ontologically dependent* on free speech or an unmanipulated dialogue.

41. Seung, *Kant's Platonic Revolution*, *op. cit.*, p. 227.

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happens. The people in the deliberation have substantive ideas in mind.

Hitherto, there has been relatively little to distinguish Habermas from Fishkin. The most important place where distinctions can be made is at their normative foundations which, in this case, is the rules for their procedures. This is because no rule can be self-legitimating, i.e., any rule concerning the function of the dialogue cannot be legitimated by the procedure itself. It must have some other source. Consider equality. Both Fishkin and Habermas subscribe to this principle. Equality is important for dialogue insofar as each citizen is allowed to participate in the creation of norms. For Fishkin, it is important for each citizen to be given "equal consideration" within the dialogue.[42] His rule for equal consideration is not dependent on dialogue. Citizens may not consensually determine to abandon the principle. Likewise for Habermas's ethics, it is necessary that all participants be guaranteed "equal opportunity to contribute to the argumentation and to put forth their own arguments."[43] This line of thought is pursued again in his legal theory. No less than three of his basic rights address equality in some manner. Right #l provides the Kantian equality of liberties.[44] Right #4 guarantees equal opportunities to participate in the dialogue. And right #5 is a corollary of #4, specifying some dimensions by which this equality may be achieved. As is the case for Fishkin, should these rights be abandoned, it would be impossible to arrive at any justifiable norms. "In a word, there is no legitimate law without these rights."[45] This is the ultimate test to determine whether an assumption is a normative foundation. In this case it is. Thus both Habermas and Fishkin have slipped a substantive assumption into their procedures.

A second shared normative assumption is in their insistence that there be a consensus concerning any maxim aspiring to be a moral norm. They

42. "By equal consideration, I do not mean that your claims are considered by an equal number of people or that they are given an equal amount of television time. I mean only that they are treated as deserving equal consideration on their merits; they are not discounted because of the identities of the people involved." See Fishkin, *Dialogue of Justice*, *op. cit.*, p. 138. The fact that Fishkin uses the word "merits" here opens him up to the following line of interrogation. How can the merits of a political or moral position possibly be judged prior to a legitimately reached consensus? If the merits of some particular position are already known, this would imply that the value of the position is not contingent on consensus, but something else.

43. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 89.

44. Kant spells out what should be wanted: "A constitution allowing the greatest possible human freedom in accordance with laws by which *the freedom of each is made to be consistent with that of all others*," See Kant, *Critique of Pure Reason*, tr. by Norman Kemp Smith (New York: St. Martin's Press, 1965), pp. 312.

45. Habermas, *Between Facts and Norms*, *op. cit.*, p. 125.

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do, however, differ on their definitions of consensus. Habermas emphasizes the necessity of a consensus in his ethical writings, although he never provides any definition. He assumes that the idea of a consensus is embodied in his principle of universalization, where all participants in a discourse can accept the consequences of the decision-making process. This is similar to that of Rawls, who believes that all rational persons would choose his principles of justice from the original position. In his political work, Habermas suggests that the best interpretation of a consensus is some version of majority rule. Of course, majority rule is a formal procedure. Yet, procedures must ultimately rest on some substantive assumptions of empirical fact and ideals. Majoritarianism rests on the presupposition that majorities are more likely than smaller groups to reach just outcomes.

James Madison emphasizes this assumption in Federalist No. 51: "[A] coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good."[46] The ideal assumptions are that justice and the general good exist as concepts above human artifice. Furthermore, they are the proper ends of government. The empirical assumption is that the majority is the best conduit to this end. Yet, Madison does not endorse brute majoritarianism. Like Habermas, he believes in constraining the brute will of the people. While people generate the positive norms which govern society, they cannot be trusted to do so without filtering mechanisms. Here Habermas quotes Dewey: "Majority rule, just as majority rule, is as foolish as its critics charge it with being. But it never is merely majority rule. . . . 'The means by which a majority comes to be a majority is the more important thing': antecedent debates, modification of views to meet the opinions of minorities. . . . The essential need, in other words, is the improvement of the methods and conditions of debate, discussion, and persuasion."[47] Habermas enthusiastically endorses this passage, but he does not ask why Dewey claims that the procedure is *improved*. Improvement does not exist in a vacuum: it must be the bettering of conditions to reach some end. A baseball pitcher improves his curveball not just to have a nice curveball, but because he thinks it might ultimately help his team win more games. Likewise, one must ask why Dewey and Habermas think that the conditions of debate in majoritarianism must be improved. The question is what end they seek.

A further issue in Habermas' theory of majoritarianism is its priority in his overall theory. Any theory embracing majority rule and fundamental

46. James Madison, "Federalist No. 51," in *The Federalist Papers*, *op. cit.*, p. 325.
47. John Dewey, quoted in Habermas, *Between Facts and Norms*, *op. cit.*, p. 304.

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rights should determine which of the two is prior. Habermas suggests that neither can be prior to the other. Rather, they are "co-original" or equiprimordal.[48] Majoritarianism and basic rights must be seen as a unit. Basic rights are not necessarily there to be protected from majoritarianism. They are meant only to enhance the conditions of deliberation. Therefore, for Habermas, rights are not in any sense "natural"[49] and must be drawn up in a manner reflecting the community's tradition and history. This is a peculiar suggestion. It implies a sense of appropriateness for rights. What does it mean to say that some rights are appropriate for one community, but not others? To what standard must one appeal to make such a judgment?

Fishkin also requires a consensus for ethical norms to be established.[50] His definition, however, differs from that of Habermas. He settles for broad support from all the major cleavages within a society, where a cleavage is characterized as a self-identified group.[51] Fishkin is also leery of pure majoritarianism. "Groups, as well as individuals can make terrible mistakes."[52] Thus, while consensus is important to both Habermas and Fishkin, this cannot be the ultimate end in their respective systems. A consensus for its own sake is of no value. It is only meaningful where it is formed within the constraints prescribed by some other values.[53] Thus, a consensus may be created by force. But this would violate the constraints employed by Habermas and Fishkin.[54]

The most essential rule for both Fishkin and Habermas is that their dialogues remain pure and unmanipulated. In each case, should the dialogue become contaminated, the resulting norms would become invalid. There are two dimensions to this criterion: 1) the opinions of each citizen may not be improperly influenced, and 2) the resulting norms of a dialogue must always be open to criticism. Fishkin provides the most systematic treatment of this question in his discussion of manipulation: "Dialogue is reasoned debate

48. *Ibid.*, p. 122.
49. *Ibid.*, p. 129.
50. Fishkin, *Dialogue of Justice*, *op. cit.*, p. 120.
51. *Ibid.*, p. 130.
52. Fishkin, *The Voice of the People*, *op. cit.*, p. 34.
53. A consensus can only be a means to some other end. As Seung has suggested, to seek a consensus for consensus's sake would be "counterintuitive." See Seung, *Kant's Platonic Revolution*, *op. cit.*, p. 227.
54. Habermas and Fishkin should be asked whether the coercion employed by the victorious powers in WWII in establishing new regimes in Germany and Japan violated this constraint. If not, are these nations illegitimately grounded? If so, then it seems that the coercion constraint is contextually relative, with the relevance being determined by some norm external to their reportedly positivistic theories.

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designed to persuade on grounds conscientiously believed by the participants to be valid and appropriate. For an act of expression to contribute to political dialogue, its crucial normative and empirical premises must (a) be held with conviction by the actors and (b) be sufficiently exposed or open to analysis that they can be critically examined and debated by others."[55]

For Fishkin, there are two forms of manipulation that threaten the legitimacy of the dialogue: explicit and structural. Explicit manipulation, true to its name, would be the imposition of penalties for citizens who have voiced their sincere convictions. Stalin's use of violence to gain consensus represents this form of manipulation. When he either imprisoned or executed political dissenters, he violated Fishkin's criterion for a refined dialogue. The resulting norms issued by the government would, hence, have to be deemed illegitimate. Structural manipulation, on the other hand, works in a much more subtle fashion, for it can exist without anyone's implementation or knowledge of its existence. "The basic idea is that *effective voice must be given to interests across every significant cleavage in the society*. When this effective voice is denied, then the political dialogue has been subjected to structural manipulation."[56] To avoid this sort of manipulation, Fishkin requires an adjustment of background conditions such that everyone's opinions can be heard. These background conditions generally include wealth and the amplification of one's views.[57] This is related to his commitment to political equality.[58] Yet, there is an obvious circularity running through the argument. The test for political equality is whether there is an unmanipulated expression of everyone's view: "Suppose that the supporters of a single dominant party control the media and access to them. . . . Suppose further that the mass media are the predominant means of access to influence over public opinion. If the dominant party wins election after election with all votes counting equally, we might, nevertheless, question the extent to which the system realized political equality."[59] Circular definitions are not all that uncommon. Thus, at the end of Plato's *Theaetetus*, Socrates defines knowledge as "Correct belief with knowledge of a differentness."[60] This definition is also obviously circular. What it says is that knowledge is not really definable. Its meaning can only be intellectually

55. Fishkin, *Dialogue of Justice*, *op. cit.*, p. 147.
56. *Ibid.*, pp. 156-57.
57. Habermas' same concern can be located in his Basic Right #5.
58. See Fishkin's *Democracy and Deliberation*, *op. cit.*, pp. 29-34.
59. Fishkin, *Democracy and Deliberation*, *op. cit.*, pp. 30.
60. Plato, *Theaetetus* in Edit Hamilton and Huntington Cairnes, eds., *The Collected Dialogues of Plato* (Princeton: Princeton University Press, 1961), p. 918 [210a].

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intuited. Neither of Fishkin's claims can be tested by the formal procedure he establishes. Ultimately, this circular check can only be tested against Fishkin's substantive assumptions not explicitly expressed.[61]

For his part, Habermas endorses the following set of rules to govern his discourse: "(3.1) Every subject with the competence to speak and act is allowed to take part in the discourse. (3.2) a. Everyone is allowed to question any assertion whatever. b. Everyone is allowed to introduce any assertion whatever into the discourse. c. Everyone is allowed to express his attitudes, desires, and needs. (3.3) No speaker may be prevented, by internal or external coercion from exercising his rights as laid down in (3.1) and (3.2)."[62] The essential rule here is (3.3). This prevents his discourse from being influenced unfairly. The components of external and internal coercion may be read as coinciding with Fishkin's explicit and structural manipulation respectively. These conditions later inform Habermas's choice of basic rights in *Between Facts and Norms*. The rights promote the idea of an uncorrupted consensus, a criterion similar to Fishkin's 'refined' dialogue.[63]

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61. These assumptions are evidently intuited, despite Fishkin's assertion that "the intuitionist position is . . . dissatisfying." See Fishkin, *Dialogue of Justice*, *op. cit.*, p. 34.

62. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 89.

63. This desire to keep the dialogue free from interference is similar to Jean-François Lyotard's notion of justice. Lyotard shares at least two themes with Habermas and Fishkin. 1) that justice involves discourse, and 2) that this discourse must be free from interference. The latter constraint for Habermas and Lyotard may stem from their Kantianism, for it was Kant, in "What is Enlightenment?" who stressed the need to be free from external restraints. For Lyotard, "the idea of justice . . . [is] that of a plurality, and it would be a plurality of language games." These language games exist, presumably, as independent cultures or "minorities." The only way in which they may be preserved is to have a situation where no language game dominates or prescribes to others. In this sense, Lyotard subscribes to the view that justice requires an absence of manipulation. "Basically, minorities are not social ensembles; they are territories of language. Every one of us belongs to several minorities, and what is very important, none of them prevails. It is only then that we can say that the society is just." The problem is, however, how can any language game be established? Political communication between persons requires transcendent normative assumptions. No two persons can even begin to establish such a community as Lyotard describes unless they share these assumptions prior to communication. Furthermore, Lyotard has a difficult time producing a theory of justice in any detail, for his desire to be free from interference stems from his agnosticism about ethics. Yet, to prescribe that each language game refrain from prescription to others is, in fact, to prescribe and hence take a moral stance. This problem of self-reflexivity is at least as old as Plato's *Theaetetus*, and Lyotard does no better than Theaetetus in attempting to escape it. As is the case for Habermas and Fishkin, Lyotard cannot help but make some substantive normative assumptions. The idea that justice can only be realized by unmanipulated language games is not self-legitimating.

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The question of refinement raises an important question, which dialogical theorists of justice do not: why should one refine the dialogue to begin with? Perhaps James Madison would be instructive here as another thinker who promoted "refinement." According to Madison in Federalist No. 10, the purpose of having representatives is that the system "refine[s] and enlarge[s] the public views, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations."[64] Madison's words are loaded with normative content. Consider his words "true interest." To what standard is he appealing? If there are no metaphysical standards outside of the people, does it matter whether people's interests are "true" or "false" as long are they are expressed? Why should the people's opinions be refined? Why not allow a brute conception of the people's will to dictate public policy? To suggest that the will should be refined is to suggest that one will is better than another by some criterion external to the people's expressed interests. Otherwise, we would have no standard by which to evaluate a misguided will.

The final element of non-manipulation is that, for both Fishkin and Habermas the resulting norms of the dialogue must be open to challenge. For Fishkin, "dissent and disagreement will have to be compatible with solutions to the legitimacy problem, if the argument is to be successful."[65] For Habermas, the opinions of each "must be open to criticism."[66] Further, he states that without "the individual's uninfringible freedom to respond 'yes' or 'no' to criticizable validity claims, consent is merely factual rather than truly universal."[67] For each, this liberty legitimates the resulting norms of a dialogue. If there is no freedom to criticize within discourse, then it may be susceptible to manipulation, for there would be no means to check interference without the possibility for criticism.

In some sense, deliberation is the key to both theories. Everything seems aimed at fostering a particular kind of dialogue. But why should this really matter? If one is truly agnostic about the metaphysical grounds of normative standards, is there really any reason for deliberation, much less one governed by particular rules? What then do Habermas and Fishkin suggest to be the grounds for their appeals to deliberation? Another promoter of deliberative democracy, Joshua Cohen, might be of some use

64. Madison, "Federalist No. 10," in *The Federalist Papers*, *op. cit.*, p. 82.
65. Fishkin, *Dialogue of Justice*, *op. cit.*, p. 121.
66. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 67.
67. *Ibid.*, p. 202.

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here. He writes that the pursuit of deliberative decisions "carries with it a commitment to advance the common good."[68] This common good has long been conceived as a transcendent ideal. This would give Cohen the firmest grounding upon which to build his theory. Yet, he does not define the common good as a transcendent concept, but rather as determined by the people's deliberation. This, however, leads back to the problem with consensus. If justice does not exist before it is fixed by dialogue, then what are the people debating? Dworkin raised this question in discussing Michael Walzer's *Spheres of Justice*. Walzer defines justice as agreements reached in communities. Yet, Dworkin notes, "If justice is only a matter of shared understandings, then how can the parties be debating about justice when there is no shared understanding?"[69] Walzer's and Cohen's theories do not suggest that people are debating about something of which they have little or no understanding. Rather, they are debating about something that does not even exist by their own metaphysical assumptions. But even if one were to ignore the shaky philosophy, does this really make sense of the nature of political debate?

Despite Cohen's assertion that there is no such thing as the common good prior to debate, he does insist that deliberation must follow certain guidelines if they are to be legitimate.[70] If there are no transcendent principles informing these guidelines, where do these rules come from? There are a few possibilities. 1) They are completely arbitrary. If this is the case, however, in what sense can the procedure itself be considered legitimate? And why should not other rules be added arbitrarily? Why not simply add

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68. Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity*, ed. by Alan Hamlin and Philip Pettite (Oxford: Basil Blackwell, 1989), p. 23. This assumption he shares with both Habermas and Fishkin. Habermas suggests that democratic procedures have an "orientation toward the common good"; see *Between Facts and Norms*, *op. cit.*, p. 461. Fishkin follows Burke, who suggested that parliament should be a deliberative body "where, not local purposes, ought to guide, but the general good." See *The Voice of the People*, *op. cit.*, p. 32.

69. Ronald Dworkin, *A Matter of Principle* (Cambridge, MA: Harvard University Press, 1985), p. 217. Dworkin was not the first to note this point. Locke was fully aware of it: "Nor . . . can those very men who agree among themselves know that something is good because they agree it is, but [rather], they know from natural principles that something is good. And [this] knowledge precedes agreement, for otherwise the same thing would be both cause and effect at the same time, and the consent of all [i.e., an effect] would result in the consent of all [i.e., a cause] which is plainly absurd." See John Locke, *Questions Concerning the Law of Nature* (Ithaca, NY: Cornell University Press, 1990), pp. 199-201.

70. The conditions are as follows: 1) the people must be free, 2) positions must be backed with reasons, 3) parties must be formally and substantively free, and 4) majority rule determines the final outcome. See Cohen, "Deliberation and Democratic Legitimacy," *op. cit.*, pp. 22-23.

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a rule stating that only persons capable of juggling flaming knives can participate in the dialogue? This is just as arbitrary as the other constraints, if we are to assume that they have no transcendent origin. Further, why should one consent to an arbitrary rule? 2) The rules are imposed by an enormously powerful force. This is roughly Callicles' theory from Plato's *Gorgias*. Justice is defined by the strongest. Like Cohen, Callicles sees no such thing as justice prior to the establishment of a social order. Justice is an artifact of convention. Is this what democratic deliberators mean? Is democracy the theory of might makes right? 3) They choose the rules they do because they "work" well. This could be called the pragmatic approach — an approach which, however, is crippled by indeterminacy. What does "working well" mean? Do the criteria for a legitimate deliberation work well in promoting the rulers' interest? One may say that the hyperinflation crisis in the Weimar Republic worked well for shrewd investors, who were able to take out massive loans and repay them with worthless currency. Is this what is meant by working well? It certainly does not meet our intuitive notions of the "common good." 4) The criteria may be accepted as legitimate insofar as they represent beliefs grounded in the predominant political culture. This is, occasionally, Rawls' working assumption.[71] Yet, a closer glance sheds some doubt on whether this could possibly provide the full picture. To be sure, Western political culture has almost always had a place for liberty and equality. Both have found their way into Habermas's and Fishkin's theories. It is also the case, however, that there have been long traditions of racism, sexism, and tensions between social classes. Should constraints not be placed in the dialogue that furthers these cultural artifacts? The fact is, the design of procedures forces the unavoidable issue of choice. The only way a picking and choosing of such values can be justified is by some reference to standards outside a particular culture.

Habermas and Fishkin both rely on a higher standard. This should be obvious, for no theory can be justified without reference to some standard. This higher standard consists of the ideals of justice and the common good. Not to do so is to promote a substantively meaningless theory. Do they really put in such efforts to create systems of law and justice in order to promote systems void of any true meaning? How can one reconcile the ideal of justice and the presumed metaphysically neutral norms of a formal dialogical theory of justice? The problem must be broken down

71. See Seung, *Intuition and Construction*, *op. cit.*, pp. 63-70.

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into its component parts. First, what is justice? This question has perplexed civilization for centuries. Yet, it was the first great Western political philosopher who understood it best. Justice is a transcendent primary ideal, known only through intuition. This is Plato's view, developed toward the end of his life. It is transcendent, meaning it is universal and unchanging from culture to culture and time to time. It is primary, meaning it cannot be articulated perfectly in any form. One cannot define justice, because it is primitive, not derivative. It simply is, as is the idea of Being. Only have a sense of it is possible.[72]

Since the ideal of justice is so indeterminate, the only way to make it useful in the real world is to make it the substance from which political institutions and laws are constructed. This is precisely what Plato did in the *Laws*. Although he makes no specific reference to the forms, he draws upon them in shaping his city of Magnesia. He considered various methods for implementing law and chose those he thought most likely to promote the indeterminate ideals. This is precisely what Habermas and Fishkin do, only they do not admit it. Each of them is only articulating the transcendent ideals. This explains why they choose the constraints they do. These constraints are not random. They mean to promote ideals.

In political theory, formalism has often been characterized as a vacuum. This understanding, however, shows a deep misconception of the program's true nature. Unfortunately, it has been misconceived not only by its critics, but also by its proponents. Nevertheless, political theory is full of procedures. Locke advocated majoritarianism in the *Second Treatise*. Kant formulated his categorical imperative. The US founders drafted a constitution full of procedures specifying courses of action in lawmaking and law implementation. This, however, does not imply that they are empty. The procedures have been chosen carefully. They have been chosen because they were believed to be most conducive to abstractly conceived ideals of justice and the common good.

Conclusions

Two things should have been accomplished here: 1) to show that Habermas and Fishkin are nearly inseparable in most essential aspects of their

72. For a more detailed account, see T. K. Seung, *Plato Rediscovered: Human Value and Social Order* (Lanham, MD: Rowman & Littlefied, 1996). It would be a mistake to confuse the ontology suggested here with that in the *Republic*. The *Republic* represents only an intermediary stage in Plato's metaphysical journey. The forms are determinate, and need only be brought down from the heavens. As is well-known, however, Plato became disenchanted with his metaphysics and ventured to redraw them in the above manner.

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theories, and 2) to uncover the normative foundations on which they implicitly, but necessarily, rest. Both rely on a remarkably similar procedure to generate moral and political maxims for society. These procedures, however, are not self-legitimating. They rely on certain assumptions of consensus, liberty, and equality. These ideas inform the theorists on how to realize the just. They are assumed by Habermas and Fishkin to be of independent value, prior to any procedure. Hence, unless they were randomly selected, they were derived from the ideals of justice and the good. Habermas confirms this interpretation in his justification for the rules of discourse: "If these considerations are to amount to more than a definition favoring an ideal form of communication and thus prejudging everything else, we must show that these rules of discourse are not mere conventions; rather they are inescapable presuppositions."[73] Yet, it is also evident that Habermas does not understand the highest levels of his own theory, for his assumptions are conventions. He regards his presuppositions to be independent and self-sufficient, whereas they are really means to an end requiring further presuppositions. The ultimate ends rest in the transcendent ideals of justice and the good. If, Habermas did not have an empirical faith, like Madison, that people generally come together on principles of justice, then his presuppositions would no longer be "inescapable." This renders the artifacts of his theory purely conventional.

While Habermas and Fishkin are similar, there are two respects in which they differ. First, Fishkin distinguishes himself from Habermas in suggesting that his public be "informed."[74] He opines that a public armed with all relevant information while deliberating is likely to produce a better outcome than one with either faulty or insufficient information. Habermas, on the other hand, seems to assume that the question of information will be internally addressed by the community informally.[75] Why should Fishkin think it important for citizens to have full information in making their decisions? To suggest that they need the information to make better decisions assumes that a betterness exists prior to the actual deliberation. This is not a legitimate assumption in his ontology. Since all dimensions of justice are produced by dialogue, no condition should be better *apriori*. Once again Fishkin reveals that the ideal of justice exists before dialogue.

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73. Habermas, *Moral Consciousness and Communicative Action*, *op. cit.*, p. 89.
74. Fishkin, *The Voice of the People*, *op. cit.*, p. 43.
75. Kenneth Baynes, "Democracy and the *Rechtstaat*: Habermas's *Faktizität und Geltung*," in Stephen K. White, ed., *The Cambridge Companion to Habermas* (Cambridge: Cambridge University Press, 1995), p. 215.

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If this were not the case, there could be no such thing as "better." Furthermore, if there is "betterness" (and this assumption is inevitable), are the constraints of nonmanipulation violated? Who determines what information is relevant, and how can this be presented in a manner that is not prejudicial to some concept of the good? This problem suggests that the attempted assumption of metaphysical neutrality renders the theory's other assumptions problematic as well. The truth of the matter is that manipulation is inevitable. It follows that only manipulation which promotes the highest ideals should be allowed.

The second issue is that Fishkin makes only one comment regarding metaphysics in his *Dialogue of Justice*: "Like most contemporary liberal theory, it [the self-reflective society] remains agnostic about ultimate moral and metaphysical questions outside its chosen sphere (the political morality of the state)."[76] The obvious question is whether this implies that Fishkin admits to making metaphysical assumptions concerning the "political morality of the state." The language suggests that he does. Fishkin, however, says no more about the matter, and punctuates the sentence-long discussion with a footnote, citing Rawls' "Justice as Fairness: Political, Not Metaphysical." Rawls' position, however, is well-known for its adamant rejection of metaphysics in politics.[77] Despite Fishkin's suggestive language, it seems that he intends his program to follow this Rawlsian line. This is consistent with his notion of "ideals without an ideal."

Further evidence for Fishkin's and Habermas' belief in transcendent ideals can be found when examining the citizens motivations within the respective dialogues. As Seung asks, should participants "state their views because they believe their views are likely to be accepted by everyone else, or because they believe their views are true though they may not be accepted by anybody else?"[78] Fishkin says that the participants state their views based on what they feel to be "valid and appropriate," while Habermas claims "only the unforced force of the better argument determines the 'yes' or 'no' response of the participants." If such theories are *truly* agnostic about higher standards, why then does Habermas insist that the "best arguments"[79] must be brought forth in dialogue? By Habermas' structural argument, there should be no such thing as "best" prior to a legitimate consensus. The statement, therefore, has no meaning. Yet there is no problem

76. Fishkin, *The Dialogue of Justice*, *op. cit.*, p. 126.
77. See Seung, *Intuition and Construction*, *op. cit.*, p. 42.
78. Seung, *Kant's Platonic Revolution*, *op. cit.*, p. 227.
79. Habermas, *Justification and Application*, *op. cit.*, p. 163.

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intuitively understanding what he is attempting to convey. This is due to his implicit assumption of higher standards at all levels of his theory. This should unequivocally reveal that both thinkers appeal to a transcendent ideal of normative truth, and further, expect citizens to do the same. Truth cannot be defined by consensus, for this would be tautological: i.e., consensus looks for consensus. People, when making moral choices, look to higher standards, transcendent standards. And these are the standards dialogical theorists of justice consider in constructing their own theories.

While Habermas and Fishkin come from slightly different traditions (the former drawing upon the Continental, the latter on the Anglo-American), there is one thinker from whom they both learned many of their tricks: Kant. Habermas explicitly acknowledges him as his intellectual guide, and Fishkin follows him closely in his axiological acceptance of popular sovereignty and individual liberty. Kant, as previously mentioned, was the founder of the formalist tradition in modern ethics. The categorical imperative was conceived as a way around the uncomfortable assumptions associated with Platonic ideas. Transcendent norms, after all, are impossible to prove empirically and leave scholars ill at ease in the age of scientism. Kant thus labels such ideas pejoratively as "heteronomous." Interestingly, however, Kant's rejection of transcendent norms was an aberration in the context of a longer career committed to the employment of Platonic ideas. In his First Critique Kant suggests that Plato's theory of the ideas is "an enterprise which calls for respect and imitation."[80] And subsequent to his rejection of Platonic Forms, he writes that "if we accordingly think of the commonwealth in terms of concepts of pure reason, it may be called a Platonic ideal (republica noumenon), which is not an empty figment of the imagination, but the eternal norm for all civil constitutions whatsoever. . ."[81]

Insofar as both Habermas and Fishkin are in the Kantian tradition, it is ironic that they both go out of their way to assert that their theories operate free from the assumptions which Kant makes explicit in many of his writings. They instead attempt to reconstruct Kant without Kant's foundations. Such a move, however, strips away all the force and substance that made Kant's best writings so appealing in the first place. Hegel was correct in his criticism of Kant's purely formal theories: "[U]niversality that lacks a content is [merely] formal, and an absolute

80. Kant, *Critique of Pure Reason*, *op. cit.*, p. 313

81. Immanuel Kant, "The Contest of the Faculties" in *Kant's Political Writings*, Hans Reiss, ed. (Cambridge: Cambridge University Press, 1991), p. 187

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content itself is tantamount to a distinction which is no distinction, i.e., to the absence of content."[82] This is the same flaw that faces Habermas and Fishkin. They want to have all the benefits of a substantive theory with none of its epistemic and ontological uncertainty. Wanting something, however, never makes it so. This is a dubious way to construct a theory. This is why Kant found it, necessary to return to Platonic ideas in his political writings.

There is little doubt that the move to exclude metaphysics from discussions of ethics and politics in this century has been inspired by the success of the natural sciences. And it is only fair to acknowledge that Habermas and Fishkin are more representative of the 20th century's metaphysical commitments (or rather lack thereof) than they are distinct. From Logical Positivism to Legal Realism, it has been standard practice to remove metaphysics from legitimate normative discussion. What has replaced metaphysics, however, is either veiled metaphysics, which is a form of intellectual dishonesty, or what is perhaps worse, a contest of purely bald assertions, which is the worst form of dogmatism. It is in this condition that one ought once more to turn to Kant, whose "What is Enlightenment?" is as prophetic today as the day it was written. Enlightenment for Kant is a maturity of thought and an ability to break free intellectually of the dogma of one's time and culture. "Dogmas and formulas, those mechanical instruments for rational use (or rather misuse) of [man's] natural endowments, are the ball and chain of his permanent immaturity"[83] Dialogical theories of justice, insofar as they fail to confront their own foundations in the employment of formulas, are yet one more manifestation of Kant's worst fears.

82. G. W. F. Hegel, *Phenomenology of Spirit*, tr. by A.V. Miller (Oxford: Oxford University Press, 1977), p. 256.

83. Kant, "What is Enlightenment?" in *Kant's Political Writings*, *op. cit.*, pp. 54-55

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Jefferson, Calhoun and State's Rights: The Uneasy Europeanization of American Politics

Luigi Marco Bassani

European absolute monarchy was the model for all subsequent versions of statism. The rise of the centralized state apparatus that claimed a monopoly of the (legitimate) use of force within a given territory went hand in hand with the intellectual pursuit of describing it. America, both during colonial times and even more so at the founding of the republic, was relatively free from absolutism. The US, born without a sovereign, could not know the peculiar development of a fundamental state category such as sovereignty, first defined by Jean Bodin in the 16th century. Sovereignty, in American political discourse, was not in the king's body or in any collective body: it was popular sovereignty. However, since the term sovereignty is so intimately related to the king's regal stature and to his body, popular sovereignty is an oxymoron. Jefferson and Calhoun were the two leading American thinkers to utilize the notions of "popular" and "state" sovereignty.

Jefferson's vision and interpretation of the Constitution were based on a broad argument firmly rooted in social-contract theory and in the doctrine of natural rights. A generation later, the State Rights school took instead the slippery road of state sovereignty. Since then, the Europeanization of American politics and of the American understanding of nation-state relations has proceeded apace. Calhoun and his followers started to emphasize the notion of state sovereignty, which in the beginning was quite different from the classical European model. With the works of the Carolinian, however, sovereignty became a state quality, attributed to a given political community and body politic. Calhoun himself was careful to make clear that sovereignty resides in the people, not in any given governmental

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power, but the conceptual strings attached to the very word facilitated the importation of European categories to American soil.

The confederation-federation distinction, as well as apparently neutral concepts such as "federal state" and "central state" are extrapolations from modern European state theory and make sense only within that framework. They are inapplicable to federalism. The distinction was unknown to classical American political thought between the signing of the Declaration of Independence and the War for Southern Independence.[1] Categories associated with the modern state thoroughly transformed the modern European political vocabulary. In America, however, political concepts developed independently of this theoretical constellation. The boldest definition of sovereignty found in American thought is the "supreme legislative authority," used by Calhoun to defend the sovereignty of every state in the first half of the 19th century.

The Fallacy of the Federation vs. Confederation Dichotomy

The core of the federation-confederation distinction concerns the locus of sovereignty. In a federation, it is the "federal state"; in a confederation, the constituent units — the "confederated states." More precisely, in a "federal state," sovereignty lies "partly within the federation, partly among the constituent units," according to the political and constitutional doctrine of "divided sovereignty" elaborated by the Federalists in the late 18th century. European jurists, however, have reduced a three-dimensional distinction between a unitary state, a federation and a confederation into a dichotomy between federation and confederation. This is because the federation-confederation distinction is subservient to the goal, often attributed to federalism, of that "more perfect union" that cannot be reached outside the state, possibly national but undoubtedly unitary. Within such a model, sovereignty (Jacobinism) as the essence of every state is the premise of the argument placing the federal state at a higher stage of perfection in achieving unity than the confederation.

The definitive theoretical systematization of the conceptual distinction

1. This seems a better characterization of what has been termed the "War Between the States," the "Civil War" and the "War of Secession." To call it a "War Between the States," as was popular in the 1800s, conveys the wrong notion of a *bellum omnium contra omnes*, as if all states were at war against all others. On the other hand, one could correctly speak of a "Civil War" if, and only if, the aim of the struggling parties was identical, i.e., control of the same government over the same territory, which was clearly not the case. The "War of Secession" is equally unacceptable, because it gives the false impression that secession was unlawful under the US Constitution, and thus a clear justification for war.

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crystallized in the late 19th century[2] in the works of Justus Bernhard Westerkamp (1839-?)[3] and Louis Le Fur (1870-1943).[4] According to Le Fur, "only the federal state constitutes a state and it is essentially distinct from a confederation, because in the latter only the confederated states possess the features of a state."[5] Therefore, in the federal state there would be an irrevocable transfer of sovereignty from the federated entities to the federal "center." The problem of where sovereignty lies in a federal system — what was at stake in the struggle between the Southern and Northern sections of the US from the 1830s to the War — was reworked in Germany. Contemporary German jurists, who formulated many of the categories related to the federation-confederation distinction and the entire doctrine of the state, based them on a peculiar reading of the American historical experience. Harking back to *The Federalist* and even more to the works of Alexis de Tocqueville, Georg Waitz (1813-1886) worked out an original theory of "divided sovereignty." He identified an intermediate form between the unitary state (*Staatenreich*) and a confederation of states (*Staatenbund*) or the federal state (*Bundesstaat*).[6] According to Waitz, sovereignty, or independence from outside power, is the essential prerequisite for statehood. In a federal state, this is shared by the "collective state" and the "member states," each fully independent within its proper sphere.

Although it still relies on the European notion of sovereignty, Waitz's theory is historically valuable, because at least it follows the American federalist framework, which regards statehood in a three-dimensional unitary-federal-confederal framework. In other words, statehood is rethought in terms of a "hybrid" system, called "modern federalism." It was prefigured in its most classical form by James Madison. However, to put too much emphasis on only one side of the genetic American controversy is a sure route to misunderstand the nature of the compromise worked out in the 1787

2. At that time, Henry Sidgwick (1838-1900) wrote that federalism "arising from historical causes is likely to be in many cases a transitional stage through which a composite society passes on its way to a completer union. . . . A confederation of states, if it holds together, has a tendency to pass into a federal state." See Henry Sidgwick, *The Elements of Politics* (London-New York: McMillan, 1891), p. 544.

3. Justus Bernhard Westerkamp, *Staatenbund und Bundesstaat: Untersuchugen über die Praxis und das Recht der mordenen Bunde* (Leipzig: Brockhaus, 1892).

4. Louis Le Fur, *État Fédéral et Confédération d'Etats* (Paris: Marchanal et Billard, 1896).

5. *Ibid.*, p. 728.

6. Georg Waitz, "Das Wesen des Bundesstaates," in *Allgemeine Monatschrifte für Wissenschaft und Literatur* (1852), pp. 495-530.

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Philadelphia Constitutional Convention. It is by now well established that the Constitution was "as national as the federalists could make it and as confederate as the anti-federalists could keep it."[7]

The controversy was not concerning what powers to grant the government because, with the possible exception of Alexander Hamilton, all agreed on limiting as much as possible the political powers emanating from the Constitution. Convinced of the basic effectiveness of the agreement already regulating relations between the states, the Articles of Confederation (in force from 1781 to 1789), the Anti-federalists[8] opposed the document that came out of Philadelphia for being too centralist. Under the pen name *Publius*, Alexander Hamilton, John Jay, and James Madison wrote in defense of the proposed Constitution, published in newspapers in New York and later collected under the title *The Federalist* or *The New Constitution* (1788). They maintained that the foundation of American liberties was based precisely on the centralization of power and on the "watered down" political representation possible only in the extended republic. Madison was the staunchest defender of the "divided sovereignty" doctrine. The expression "partly federal, partly national" — the Madisionian definition of the document coming out of the Philadelphia Constitutional Convention — referred to the view that the convention had drawn up a plan for two parallel and sovereign systems of power, each within its own sphere: the federal government and the federated states.

At first glance, the abstract way in which federalism is still being debated today, beginning with the distinction between federation and confederation of states, also dates back to the birth of modern federalism as a compromise over the locus of sovereignty. The expression "partly federal, partly national" was quoted extensively as soon as European jurists began to realize the importance of *The Federalist*. The German jurist Max von Seydel (1846-1901) developed Calhoun's concept of the exclusivity of

7. Gary L. McDowell, "Federalism and Civic Virtue: The Anti-federalists and the Constitution," in Robert A. Goldwin and William A. Schambra, eds., *How Federal is the Constitution?* (Washington D.C.: American Enterprise Institute, 1986), p. 123.

8. Obviously, the factions' names are deceptive: the Anti-federalists were not opposed to "federalism;" the name was modeled ex *negativo* in opposition to their adversaries, the Federalists. In 1794, recently arrived in America after the Jacobins took power in France, the ambassador Joseph Fauchet, certainly not a federalist sympathizer, wrote: "From a whimsical contrast between the name and the real opinion of the parties, a contrast hitherto little understood in Europe, the former [Federalists] aimed and still aim, with all their power to annihilate federalism, whilst the latter [Anti-federalists] have always wished to preserve it," quoted in Jackson Turner Main, *The Anti-federalists: Critics of the Constitution, 1781-1788* (Chapel Hill: University of North Carolina Press, 1960), p. xii.

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sovereign power.[9] Contrary to Waitz, he said sovereignty is indivisible and cannot be limited. Seydel rejected the very the possibility of a *Bundesstaat*, since sovereignty could not be divided and there could be no intermediate bodies between the unitary state and the confederation of states.

Though later scholars agreed with this framework, they did not accept the premise of Seydel's analysis, i.e., the full sovereignty of states in a federal union. The members of the Reich continued to be called "states," but only the Reich was *sovereign*. Paul Laband (1838-1918) and Georg Jellinek (1851-1911) theorized the notion of the "non-sovereign state," since the German federation and its *Länder* had to be consistent with the sovereignty paradigm.[10] Laband spelled out the criteria for distinguishing a state from a simple decentralized province in the so-called "right of dominion": the non-sovereign state had authority (by its own right, and not by delegation) to pass binding laws and to enforce them.

The traditional viewpoint of continental jurists was summarized many years later by Antonio La Pergola: "either a federal framework is recognized as having the nature of a state system safeguarded by an effective coercive apparatus. or the federal Constitution is rigorously understood as a contract, generating the members' consensus as the base of the system."[11] In his view, "the phenomenon of federalism can only be dealt with under one or two forms . . . : the confederation or the federal state. It is up to the interpreter to classify the specimen under examination within the *international* framework of a confederate union, or in the *statehood* framework of federation."[12] The difference, then, is between domestic jurisdiction and the international community. Federalism, the greatest American contribution to political theory, simply does not exist. All that is necessary to understand the phenomena of "federal state" and "confederation of states" (domestic jurisdiction and international law) is the European system from the Peace of Westphalia (1648) onwards, with the transition from *jus gentium* to international law.

9. See Max von Seydel, *Staatsrechtliche und politische Abhandlungen* (Freiburg-Leipzig: Mohr, 1893), pp. 1-44; and *Commentar zur Verfassungs-Urkunde für das Deutsche Reich* (Freiburg-Leipzig: Mohr, 1897), pp. 3-18. In 1939, Guido Lucatello used the expression "Calhoun-Seydel doctrine" to refer to such a theory. See Guido Lucatello, *Lo Stato Federale* (Padua: Cedam, 1939).

10. Paul Laband, *Deutsches Reichstaatsrecht* (Tübingen: Mohr, 1907); Georg Jellinek, *Die Lehre von den Staatenverbindungen* (Vienna: Holder, 1882); and *Allgemeine Staatslehre* (Berlin: Haring, 1905).

11. Antonio La Pergola, *Residui "Contrattualistici" e Struttura Federale nell'Ordinamento degli Stati Uniti* (Milan: Giuffré, 1969), p. 92.

12. *Ibid.*, p. 109.

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When European jurists venture beyond their "natural borders" — borders theoretically framed by 19th century German scholars and enforced by the French model predicated on the "King-Assembly" historical succession — they can only see what they are already familiar with. They reproduce schemes typical of the inter-state community and their obsession with "borders." The Jacobin motto "the republic, one and indivisible" and the confederation-federation model both address the same question: "Who is sovereign?" Federal constitutions cannot answer this question, since they opt for establishing borders between several centers of powers and several areas of government. As a constitutional fact, the federation does not fit within the theories of sovereignty worked out by European thinkers along Bodinian-Hobbesian lines,[13] unless the federal system is degraded to a mere stage on the way to full concentration of powers.

The distinction between federation and confederation has been the starting point for the reconstruction of politics. As Luhmann has noted: "Following the proclamation of the sovereign state, especially in France during the second half of the 16th century, historians went to work. The present needs a past adaptable to it."[14] 19th century European jurists completed this task by extending all modern state categories in space, as well as in time. Thus, these classifications, already used to describe the political universe of ancient Greece, classical Rome and medieval Europe, were destined to land on the other side of the Atlantic. It is a well-known and very successful history of cultural imperialism. But it also mirrors the dream and the illusion of *jus publicum*: to call "state" any form of political association is the greatest obstacle to understanding the phenomenon of "federalism."

American Sovereignty

If the concept of sovereignty had been an issue during the founding of the American republic, then the works of German jurists would have a certain legitimacy. But that was not the case. Originally, American political thought was hostile to European classifications. Later, things changed. One of the consequences of Abraham Lincoln's metaconstitutional theory of the Union as "an end in itself" was to make American political thought more receptive to continental European versions of the

13. On "the Bodinian-Hobbesian line," see Francis Harry Hinsley, *Sovereignty* (1966), 2nd ed. (Cambridge: Cambridge University Press, 1986), pp. 136-150.

14. Niklas Luhmann and R. De Giorgi, *Teoria della Società* (Milan: Angeli, 1994), p. 183.

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doctrine of sovereignty.[15] As Thomas Fleming put it, "Lincoln's presidency was . . . the second American founding . . . which turned a constitutional system established by Washington, Adams and Jefferson, as a regime of liberty, into a radical Jacobin state rooted in the principle of equality."[16] Thus, Lincoln may be seen as precipitating the final migration of European categories on power and the state to America.

If the US Constitution and its interpretation were the heart of every political debate until the last century, when federalism mattered, later American political thinkers, from Arthur Bentley to Robert Dahl, have avoided constitutional issues completely. The analysis of power and social structure, in the more recent American pluralism's framework, became a de-institutionalized environment. Thus, pluralism lost its territorial dimension and intellectual appeal.

After WWII, a variety of scholars, from Carl J. Friedrich to Daniel J. Elazar and John Kincaid, developed the "governmental" theory of the US, re-evaluating the role of federalism as the constitutional framework for political, constitutional and territorial pluralism.[17] In recent years, there has been a revival of studies of "our thoroughly federal Constitution," and scholars of "poliarchism" that did not pay any attention to territorial pluralism have been criticized for neglecting American institutional arrangements. Nevertheless, these attempts have not been fully satisfactory, because party divisions concerning the role of the (federal) government in a free economy have been the focus of American politics. Thus, 20th century theories of federalism have often been only by-products of debates over the welfare state.

The best way to trace the fate of American federalism is to reconstruct developments from the Declaration of Independence to the end of the War for Southern Independence. During this time, "modern federalism" came into being in the US. When Lincoln's metaconstitutional, nationalist theory was superimposed on the constitutional doctrine of a federal compact between free and independent states, the US felt all the

15. Thus, in 1891, Burgess defined sovereignty as the "original, absolute, unlimited, universal power over the individual subject and over all associations of subjects," and "the State . . . [as] the source of all titles to land and of all powers over it." See John William Burgess, *Political Science and Comparative Constitutional Law,* Vol. 1 (Boston-London: Ginn, 1891), pp. 47 and 52. The book is dedicated to the author's teacher, Johann Gustav Droysen, and draws heavily on the organic German theory of the state.

16. Thomas Fleming, "Three Faces of Democracy: Cleishenes, Jefferson, and Robespierre," in *Telos* 104 (Summer 1995), p. 51.

17. Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987), Chapter 7, note 12. For a critique of Elazar, see Susan Bishay, "Conformist Federalism," in *Telos* 95 (Spring 1993), pp. 77-108.

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pressures toward centralization typical of every modern state. In 1776, did the thirteen colonies separate themselves from Great Britain collectively or singularly? Before 1789-1791, when the architecture of the American federal system was completed with the approval of the Constitution and the Bill of Rights, was it a union of states, of the American people, or both? These questions address permanent issues of American history, summing up all political debates prior to the 20th century, when the role of the federal government in a free society became the essence of American politics. They have a tendency to re-emerge during periods of crisis or extreme political polarization.[18]

During the last century in the US, the War for Southern Independence and the Supreme Court adjudicated controversies generated by these issues. The answer was unambiguous: the Constitution established a "perpetual" union of the people and not of the states, whose sovereignty was diminished by the rejected possibility of interpreting the Constitution. From a theoretical perspective, however, the question was not and may never be resolved. The central theorem of the supremacy of the federal government, defended by Daniel Webster in the 1830's and by the Supreme Court since the dawn of the Republic, is founded on a particular reading of the Declaration of Independence as the "birth certificate" of the American nation. Only by demonstrating that the American people acted as *one people* in search of a political community, united since the colonies' secession, can the supremacy of the federal government be sustained. A comprehensive reading of the revolutionary period conflates (and confuses) the Declaration of Independence with the Constitution as if the two documents were developing the same political doctrine. Yet, there is a wide theoretical gap between the preamble to the Constitution and the Declaration of Independence. In the latter, governments, which derive their power from the consent of those governed, have been instituted by men for the sole purpose of protecting the inalienable rights of the individual, in the former, the legitimate objects of political power change dramatically. They become vague, and every reference to consensus disappears.

From a juridical viewpoint, the discontinuity in the "founding process" is even clearer. Even if "constituent power" — the French post-revolutionary

18. A case in point is the famous speech by President Ronald Reagan in 1981 that stirred up a hornet's nest in the history departments of many American universities. According to Reagan: "The federal government did not create the states; the states created the federal government." For the reactions of nationalist professors, see Samuel Beer, "The Idea of the Nation," in *How Federal is the Constitution?*, *op. cit.* pp. 109-121.

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notion that legitimates practically everything — is used to describe the legal controversies during the Philadelphia Constitutional Convention, this Convention clearly overstepped its powers. As drafted, the Constitution was not a simple revision of the Articles of Confederation, but a complete restructuring of the federal government and its relations with the states. It out-flanked the states (and their legislatures) by declaring that it needed "the Ratification of nine States," meaning by "States" the people of the states in their sovereign capacity, not the legislatures (which were the parties to the Articles of Confederation).[19]

According to Madison, the Constitutional Convention designated two parallel and sovereign universes destined never to enter into conflict: the federal government and the federated states. From the first years of the Republic, this theory of "dual federalism," which survived as the legal definition of the American system until the 1930s, turned out to be constitutional "wishful thinking." The states and the federal government soon found themselves on a collision course on just about every issue. Neither the Philadelphia "compromise," reinforced by approval of the Bill of Rights accommodating some of the criticism of the Constitution by the Anti-federalists, nor Jefferson could guarantee a lasting equilibrium. The ratification of the Constitution did not resolve once and for all the question of the relation between the states and the federal government. Rather, it opened a new area of conflict: interpretation of the Constitution.

The Jeffersonian Doctrine of 1798

With the drafting of the Kentucky Resolution (1798), Jefferson sought to provide a constitutional interpretation that would, at least in principle, prevent the union from "consolidating" and retain a system of loose federalism very similar to the one embodied in the Articles of Confederation. He thought that the Articles were "a wonderfully perfect instrument," considering the circumstances under which they was formed[20] and was convinced that the few good things coming out of Philadelphia should have been added to the existing document.[21] Jefferson's struggle in the 1790s,

19. A brief, but illuminating exposition of this measure favoring the adoption of the Constitution, driving even the opposing states to ratify it in order to avoid being excluded, can be found in Stephen L. Schechter, ed., *Roots of the Republic* (Madison: University of Wisconsin Press, 1990), pp. 382-383.

20. Thomas Jefferson, "Answers to Demeunier's First Queries: January 24, 1786," in *The Papers of Thomas Jefferson*, Julian P. Boyd, ed., Vol. XII (Princeton: Princeton University Press, 1954), p. 14.

21. See Thomas Jefferson to John Adams, Nov. 3, 1787, in *ibid.*, p. 351.

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however, was based on opposition to the type of centralized government that was prefigured by the Constitution and was a by-product of the centralization openly advocated by the Federalist party in power. According to Jefferson, the greatest risk to the American system during this party's rule was the approval of measures exceeding its constitutionally-delegated power. He also feared that these laws would gain legitimacy by *ad hoc* constitutional interpretations, as had occurred during the first great political controversy involving the administration of President Washington, concerning the clash between Jefferson and Hamilton over the establishment of the Central Bank of the United States (1790-91). In Jefferson's view, the Constitution did not give the federal government power to institute a Central Bank. Washington, however, thought Hamilton's arguments were stronger.

Very briefly, the two opinions sent to President Washington were as follows. Jefferson appealed to the Tenth Amendment ("The powers not delegated to the US by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people") to argue that such a power had never been delegated to the federal government.[22] Aware of being on weaker constitutional grounds, Hamilton prepared his argument carefully[23] and championed, for the first time in American history, the "doctrine of implied powers": "Every power vested in a Government is in its nature *sovereign*, and includes, by *force* of the *term*, a right to employ all the *means* requisite, and fairly applicable to the attainment of the *ends* of such power. . . . There are *implied*, as well as *express* powers, and the former are as effectually delegated as the latter."[24] According to Hamilton, the constitutionality of a law was not limited to the specific powers attributed by the Constitution to the federal government, but, on the contrary, depended on whether "the proposed measure abridges a preexisting right of any state, or of any individual. . . If it does not there is a strong presumption in favor of its constitutionality."[25]

In essence, while the letter of the Constitution is clear (the federal government must find in the text a specific permission to act, while the states may only find restraints) for Hamilton, there is a general presumption of

22. See Thomas Jefferson to George Washington, "Opinion on the constitutionality of the Bank: February 15, 1791," in *The Writings of Thomas Jefferson*, Paul Leichester Ford, ed. (New York: Putnam, 1895), Vol. V, pp. 283-7.

23. In fact, it probably took him much more than "the greatest part of last night" to pen the *opinion*, as he claims in a letter to President Washington accompanying the document; see *The Papers of Alexander Hamilton*, Harold Coffin Syrett, ed., Vol. VIII (New York: Columbia University Press, 1965), p. 62.

24. *Ibid.*, pp. 98 and 100.

25. *Ibid.*, p. 107.

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constitutionality in the actions of the federal government.[26] Subsequently, this doctrine was refined by the third Chief Justice of the Supreme Court, the federalist John Marshall (1755-1835), who directed the Court from 1801 until his death and became the young republic's pre-eminent jurist. With Marshall, the Supreme Court became the center of the federalist revival after Jefferson became President in 1800.

Jefferson took advantage of the first opportunity in which the Federalists openly disregarded the Constitution to address problems concerning relations between the federal government and the states, and placed further limitations to federal power on the grounds that the US was established as a republic based on states' as well as individual rights. The occasion was the approval of two acts that posed a serious threat to the system of American liberties.[27] The Alien and Sedition Laws were approved in 1798,[28] when Jefferson was Vice-President, and provoked a final break between him and the Federalist Party. The Virginia and Kentucky Resolutions,[29] drawn respectively by Madison (who, after his association with Hamilton in 1787-8, changed his mind and became a zealous supporter of states' rights) and Jefferson were the political answer to those laws. Hamilton immediately grasped the implications of the theory behind the Resolutions, and complained that they had a "tendency to destroy the Constitution."[30] For others, they were "a little short of a declaration of war."[31]

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26. Thus, the states have a broad political will that might be frustrated only by constitutional injunctions, while the federal government must find permission in the text in order to act. Given what happened to federal and state powers since the end of the 19th century, this proposition may sound far-fetched. But this is what the Constitution states.

27. See John Chester Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston: Little, Brown and Co.,1951).

28. The "1798 crop" is made up of several acts ranging from the extension of the residence requirement for citizenship — from 5 to 14 years — to the declaration of any speech or writing against President or Congress "with the intent to defame," a misdemeanor punishable by fine or imprisonment. "Federalists never recognized the value of party opposition, and from their quarterdeck point of view the Republicans were little better than mutineers." See Samuel Eliot Morison and Henry S. Commager, *The Growth of the American Republic* (New York: Oxford University Press, 1942), p. 376.

29. At the end of the 18th century, Kentucky, admitted to the Union only in 1792, was an odd choice for such a relevant mission, and "Jefferson had originally hoped that the North Carolina legislature would adopt the Kentucky resolutions, but after the election of 1798 this was no longer feasible." See Richard Buel, *Securing the Revolution: Ideology in American Politics, 1789-1815* (Ithaca, NY: Cornell University Press, 1972), p. 223.

30. Alexander Hamilton to Theodore Sedgewick, "February 2, 1799," in *The Papers of Alexander Hamilton*, *op. cit.*, p. 452.

31. Charles R. King ed., *The Life and Correspondence of Rufus King*, Vol. I (New York: Putnam, 1895), p. 518.

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For the first time in American history, Jefferson outlined the political and juridical doctrine of the "school of states' rights" that became the standard way of viewing relations between states and nation in the Southern states during the 19th century, up to the end of the War for Southern Independence. Revived and perfected by Calhoun,[32] this doctrine became the heart of the controversy between the two sections of the country. Jefferson confirmed that the states, no matter how unique the Constitutional Covenant, had created a federal government as a simple agent, subordinate to them, for limited and well-defined functions, and that the federal government did not have any right to expand its own authority. Each individual state, as far as the controversies regarding the Constitution were concerned, had the right to determine: a) when the compact had been breached, and b) the measures most appropriate to restore the violated order and to redress the wrong. Thus, it was a right (explicitly called by Jefferson "natural," therefore sacred and inviolable) of each state to pronounce the illegitimacy of an act of Congress contrary to the constitutional contract.[33] That this battle over constitutional interpretation was not a political detail is revealed by a little-known fact. Jefferson wanted to expound his constitutional theory methodically and precisely during his annual message to Congress in 1801. But Albert Gallatin (Abraham Alphonse, 1761-1849) and Madison persuaded him to waive it, convinced that expounding on something that already was known as the very controversial "Kentucky doctrine" would have caused opposition from the Federalists and would have been interpreted as a

32. See *The Works of John C. Calhoun*, Richard K. Crallé, ed., Vols. I-VI (New York: Appleton, 1853-1857).

33. Drafted by Jefferson, the Kentucky Resolution reads as follows: "Resolved that the several States composing the U.S. of America are not united on the principle of unlimited submission to their general government; but that by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whenever the general government assumes undelegated powers, its acts are unauthoritative, void and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress." See Thomas Jefferson, "Drafts of the Kentucky Resolutions of 1798," in *The Writings of Thomas Jefferson*, *op. cit.*, Vol. VII, pp. 289-292.

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continuation of the struggle against them.[34]

Jefferson's account of the nature of the Union contains a great deal of common sense. In a nutshell, the idea behind the Virginia and Kentucky Resolutions is as follows: the states are the ultimate judges of the constitutionality of federal legislation. This requires a rigorously contractarian and voluntary framework. But at the time the Supreme Court, i.e., a branch of the federal government, was becoming already the arbiter of conflicts between the States and the federal government. In this case, the constitutional framework is threatened, since the federal government, not the Constitution, becomes the judge of its own expansion. More generally, if the states are expected to obey any federal law, regardless of whether the act had been issued according to the Constitution, only lip service is paid to the system of guarantees known as "federalism."

The main postulate of Jefferson's account of States' Rights is that there is no common judge among the parties to the constitutional compact. Therefore, each party must defend itself from violations of the compact. Unable to appeal to a judge, the parties are sovereign in determining proper remedies. There could not be a common judge between the parties of the constitutional compact: not the Supreme Court, much less the federal government itself, because they did not exist prior to the stipulation of the compact, but were the object of such an agreement. The states remained like individuals in the state of nature, despite the ratification of the federal Constitution.

To characterize the true nature of the American union, for Jefferson, it was sufficient to transpose the Lockean natural rights model from individuals to the states. He never appealed to the theory of sovereignty (a term that does not even appear in the Virginia and Kentucky Resolutions) to claim that the states are "free and independent": their liberty and independence lie in the nature of the bond in which they find themselves, and not in the somewhat metaphysical property of being "original political communities." The entire Jeffersonian structure of States' Rights is based on the analogy between relations among men and relations among states within the federal compact. This analogy immediately

34. Jefferson's first inaugural address had, on the contrary, a very conciliatory tone. The deleted part of Jefferson's inaugural address contains the following passage: "each department is truly independent of the others and has an equal right to decide for itself what is the meaning of the Constitution . . . especially when it is to act ultimately and without appeal." For interesting insights, see Robert M. Johnstone, *Jefferson and the Presidency* (Ithaca: Cornell University Press, 1978), pp. 167-168.

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brings to mind the one provided by Immanuel Kant in *Perpetual Peace* (1795). Kant envisioned a pact between nations binding each and every one of them to certain rules in order to overcome the defects generated by state sovereignty. For Kant, the claim is entirely contractual: nations make war because they find themselves in a state of nature. The transition to political society, which worked for people within individual countries, must be extended to nations.

This framework does not work for Jefferson. There was never a transition to political society. Not being able to appeal to an arbiter, the parties have the power to determine the proper remedies to violations of the pact. Despite the constitutional transition, the states retain all of their natural rights with respect to one another, — exactly like individuals in a "state of nature." After many years, Madison correctly pointed out that Jefferson's appeal to nullification was a peculiar application of the theory of natural rights.[35] Yet, he refused to recognize and expressly confused the decisive point that a "state's natural right," the right of nullification, was entirely within the realm of the federal compact, and was by no means an extra-constitutional remedy. In Jefferson's opinion, such a right derived entirely from the nature of the American Union, as it had been historically constructed, and not from the general properties of political associations.

Calhoun: States' Sovereignty and the Federal Constitution.

From the end of the 1820s to the late 1840s, it was up to Calhoun to dust off the States' Rights doctrine, even if in a different theoretical frame of reference and in a changed historical context. In order to appreciate Calhoun's account of the nature of the Union, the first myth to debunk was the claim that the Constitution contains some sort of "federal supremacy clause." As already noted, the Tenth Amendment is the cornerstone of the American federal polity. Various jurists, however, have held that it contradicts Article VI of the Constitution, which allegedly establishes a

35. See James Madison, "Notes on Nullification, 1835-36," in Gaillard Hunt, ed., *The Writings of James Madison*, Vol. IX (New York: Putnam, 1910), pp. 589-590. Here, in the aftermath of the nullification crisis that opposed South Carolina to the federal government, Madison wanted to demonstrate to Calhoun and his followers that they were wrong in portraying themselves as the heirs of the Kentucky and Virginia Resolutions of 1798-99. The old self-depicted father of the Constitution, in this circumstance, as in many others, does not clarify the issues very well, and, to the general confusion of the argumentation, he adds a reference to a letter that Jefferson had supposedly written 5 months after his death.

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federal supremacy clause.[36] In fact, "the Supremacy Clause is binding to the extent that readers of the Constitution agree that sovereignty derives from the people; that one generation may bind another; and that the Philadelphia Convention of 1787 and subsequent ratification processes were in fact expressions of the *national* will to create a lasting government."[37]

Calhoun's objection to this interpretation is decisive: "the clause is declaratory . . . it vests no new power whatever in the government." The article does not establish anything, certainly not a supremacy of the federal government, which "results from the nature of the relation between the federal government, and those of the several States, and their respective constitutions and laws." When one shapes a Constitution and a common government, "the authority of these, *within the limits of the delegated powers*, must, of necessity, be supreme, in reference to their respective separate constitutions and governments. Without this there would be neither a common Constitution and government, nor even a confederacy." However, "this supremacy is not an absolute supremacy. . . . It does not extend beyond the delegated powers. . . . Beyond these the Constitution is as destitute of authority, and as powerless as a blank piece of paper."[38]

Having demolished the alleged supremacy of the federal government, Calhoun dismantles the centralist interpretation of the American Constitution. His argument is based on the fact that, without formally amending the Constitution, without re-negotiating the compact with all the member states, a different meaning had been conferred on it. Through dubious political theories and questionable legal interpretations, not to mention the numerical strength of the industrial North, the security system for the less populated part of the Union, the South, was actually collapsing. "The day that the balance between the two sections of the country . . . is

36. Article VI states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding." Corwin summarizes the meaning of this clause: "This paragraph has been called 'the linchpin of the Constitution,' and very fittingly, since it combines the National Government and the States into one governmental organization, one Federal State." Very pragmatically, and in line with several Supreme Court decisions, he observes that "to the Federal statute and policy, conflicting State law and policy must yield." Edward S. Corwin, *The Constitution and What it Means Today*, revised by Harold W. Chase and Craig R. Ducat, 14th ed. (Princeton: Princeton University Press, 1978), pp. 272-273.

37. Lawrence H. Tribe and Michael C. Dorf, *On Reading the Constitution* (Cambridge: Harvard University Press, 1991), p. 83.

38. John C. Calhoun, *A Discourse on the Constitution and Government of the United States*, in *Works*, Vol. I (1853), *op. cit.*, pp. 252-253 (italics added).

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destroyed, is a day that will not be far removed from political revolution, anarchy, civil war, and wide-spread disaster."[39] The only alternative to the dissolution of the Union consisted therefore in a drastic alteration of the state of things, "a change which shall so modify the Constitution, as to give to the weaker section, in some one form or another, a negative on the action of the government."[40]

Calhoun did not deploy Jefferson's arguments. For the latter, the states were entitled to certain natural rights derived from the very nature of the American Union; for the former, the heart of every argument is the theory of sovereignty. According to Calhoun, Madison's theory of divided sovereignty in *The Federalist* was the source of every error. There can be no doubts regarding the locus of sovereignty, because sovereignty is indivisible: "Sovereignty is an entire thing; — to divide, is to destroy it."[41] Sovereignty either belongs to the states or to the Union, but it could not belong to both. Calhoun considered the states self-governing political communities, and he always maintained that the people of the state, and not their governments, were the sovereign authority. He even attempted to distinguish between sovereignty and the exercise of sovereign powers. In his view, the theory of divided sovereignty was fallacious precisely because it did not take into consideration this political distinction. Thus, the states had delegated to the central government only some "powers of sovereignty" that were to be used for the benefit of all, but they had never delegated any portion of sovereignty simply because they could not do it (in as much as sovereignty is an entire thing). This meant that the delegated powers could be retracted by the states at any time.[42] To confuse the exercise of sovereign powers with sovereignty itself was, in Calhoun's opinion, the fundamental defect of Madison's view.

Those delegating powers can always reclaim them. As one of the refrains from the States' Rights school goes: "in no instance can the creation overcome the creator." A distinction that, for Calhoun, would have been crucial was that the violation of the Constitution and not "sovereign caprice" should warrant the reappropriation of those powers. As in every

39. John C. Calhoun, "Speech Presenting his Resolution on the Slave Question (Senate, February 19, 1847) in *Works*, *op. cit.*, Vol. IV (1854), p. 343.

40. John C. Calhoun, *A Discourse. . . .* in *Works*, Vol. I, *op. cit.*, p. 391. Here Calhoun refers to a proposal for a dual executive, with a Northern and a Southern president, a project that he thought of in his last months and that appears only in rough draft.

41. *Ibid.*, p. 146.

42. See August O. Spain, *The Political Theory of John C. Calhoun* (New York: Octagon Books, 1951), pp.174-178.

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agreement between parties that do not have a common judge, every agent could decide the nature of the infraction and the adequate methods to mend it. According to Calhoun, the power to amend the American Constitution is the fulcrum of states' sovereignty and the ultimate proof of its natural place in the American compact. Article V of the Constitution shows "conclusively, that the people of the several states still retain that supreme ultimate power . . . the power by which they ordained and established the Constitution; and which can rightfully create, modify, amend or abolish it, at its pleasure."[43]

In the last analysis, the problem of the nature of the US government could be reduced to one single question: "whether the act of ratification, of itself, or the Constitution, by some one, or all of its provisions, did, or did not, divest the several states of their character of separate, independent, and sovereign communities, and merge them all in one great community or nation called the American people."[44] According to Calhoun, the US is not a nation, but an "assemblage of nations" or of member peoples of their respective political communities, the states. "Ours is a union, not of individuals, united by what is called a social compact — for that would make it a nation; nor of governments — for that would have formed a confederacy, like the one superseded by the present Constitution; but a union of States, founded on a written, positive compact, forming a Federal Republic, with the same equality of rights among the States composing the Union, as among the citizens composing the States themselves."[45] The fact that these states entered into a relation with other states to form a compact using a common agent did not change their status as sovereign political communities.

Calhoun did not deny the changes that had taken place in relation to the system set out by the Articles of Confederation, substantiated in the fact that under the new instrument the federal government could act directly on individuals, while prior to that it acted only through the mediation of the states. But the point of Calhoun's entire analysis is that, when the states and the federal government exercise their own "governmental powers," they function like agents of the sovereign states, meaning the people of each individual state, the genuine and authentic sovereign of the Constitution. Thus, in relation to each other, the federal and state governments were

43. John C. Calhoun, *A Discourse,* in *Works*, Vol. I (1853), *op. cit.*, p. 138.
44. *Ibid.*, p. 121.
45. John C. Calhoun, "Speech on the Veto Power" (Senate, February 28, 1842), in *Works*, Vol. IV, *op. cit.*, pp.80-81.

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"equal and coordinates," but from the viewpoint of the sovereign they "both stood in the same relations": simple agents, that could be "ordered, changed or abolished at will."[46] "Sovereignty is not in the Government, it is in the people. Any other conception is utterly abhorrent to the ideas of every American." Naturally, he was referring to the people of the several states and certainly not to the people of the Union, given that "no such community ever existed, as the people of the United States, forming a collective body of individuals in one nation."[47]

Defining the question of confederation and federation, Calhoun writes "the confederation was the act of the State governments, and formed a union of governments. The present Constitution is the act of States themselves, or, which is the same thing, of the people of the several States, and forms a union of them as sovereign communities . . . the confederation was a contract between agents — the present Constitution a contract between the principals themselves." Again, it is the very nature of American political culture that renders the Constitution a system of limited government and delegated powers: "According to our American conception the people alone can form constitutions or governments, and not their agents . . . had the old confederation been the act of the people of the several States, and not of their governments, that instrument, imperfect as it was, would have been a Constitution, and the agency which it created to execute its powers, a government. . . . It is of the very essence of such a system, that the sovereignty is in the parts and not in the whole; or to use the language of Mr. Palgrave, the parts are the units in such a system, and the whole the multiple; and not the whole the unit and the parts the fractions."[48]

Calhoun considered the states to be the only protagonists of the Union, even with respect to the relation with local governments: counties and municipalities. In contrast to Jefferson, who hoped for a type of federal rapport between any type of government, and fantasized in his later years about the creation of the ward-republic, Calhoun was quite satisfied with a simple system of decentralization between the states' governmental authority and local authority. His "internal state" is not at all federal. This is, first of all, because, in Calhoun's political vision, there is no room for "ethical"

46. Spain, *op. cit.*, p. 187.

47. John C. Calhoun, "Speech Introducing Resolutions Declaratory of the Nature and Power of the Federal Government" (Senate, January 22, 1833), in *The Papers of John C. Calhoun*, C. N. Wilson, ed., (Columbia, South Carolina University press: 1979), Vol XII, p. 21.

48. John C. Calhoun, "In reply to Mr. Webster, on the Resolutions respecting the rights of the States (Senate, February 26, 1833)" in *Works*, Vol. II, (1854), pp. 262-309.

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concessions in federal relations, pervasive of the entire political community. Secondly, because the states *are* the original polities of the American compact, and there is no way they can renounce this attribute (to stand in a federal relation with localities would mean for the states exactly this).

Calhoun explicated the constitutional rules at the basis of the US constituent agreement and considered the doctrine of states' sovereignty a simple fact. Along with all champions of the states' rights school, he was "describing what was, not what ought to be, the nature of the federal Union."[49] In Calhoun's vision, the Constitution is not a "higher law" open to any type of evolution according to the spirit of the times prevailing among the majority of the people or the new class in power, but rather a "compact" between the sovereign states that can be re-negotiated only by means of amendments. The analogy is between government and "a great joint-stock company."[50] The typical relation between states and federation is that of commander and agent, in a systematic reference to a configuration of expressly contractual political powers. It was a simple and efficient way of clarifying to the American people that the creature (the federal government) cannot become superior to its creators (the states).

On February 26, 1833, Calhoun introduced to the Senate three "Resolutions on States' Rights," which represented the core of his principles on the nature of the Union. They can be summarized as: 1) The people of the several states are part of a constitutional contract, in which each one agrees by way of ratification as a separate and independent community, and the Union is such among the states that ratified the instrument (and not among the American people as a whole). 2) The federal government, established to achieve specific ends, has only those powers expressly delegated to it by the agreement and, when its acts are based on non-delegated powers, they lack any legitimacy, and therefore are "null and void." 3) Without the existence of a common judge each party to the contract is sovereign in establishing the nature of the violation and the best remedies of redressing it. 4) The assertion that the people of the US or, rather, individuals were parties to a so-called "social compact" is false, because it contradicts more accurate historical proof; therefore, every exercise of power by the federal government based on such erroneous conviction is non-existent and inevitably leads to the destruction of federal liberty.[51]

The right of the states to declare the authentic interpretation of the

49. Spain, *op. cit.*, p. 197.

50. John C. Calhoun, "Original Draft of the South Carolina Exposition and Protest," December 1828, *Works*, Vol. VI (1857), *op. cit.*, p. 33.

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federation's constituent act and to restore the infringed order is also the most important interpretation of the right of resistance within the federal community. The right to revolution from "appeal to heavens" here becomes appeal by the states, to the "super-majority" that has the supreme power to modify the Constitution. With Calhoun, it is not the Declaration of Independence that provides the foundation for a legitimate rebellion to despotic governments, but the Constitution with as many sovereigns as there are states and only one potential despot, the federal government. "In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpation of the general government, the joint agents of all the States, to the States themselves — to be decided under the amending power, by the voice of tree-fourths of the States, as the highest power known under the system."[52]

Contemporary scholars, accustomed to regard the federal government as the principal actor of the American system, can easily maintain that the entire construction of the States' Rights school, from Jefferson to Calhoun, was merely an attempt to build a rationale in defense of white privileges in the South. But that is not the case. As Carl Schmitt put it, Calhoun's theses (as well as Seydel's, that for many European thinkers were just the same) "remain theoretically crucial for a constitutional theory of federation and are not made irrelevant by the fact that the Southern states were defeated or that Bismarck's constitutional system was content with a few meager antitheses and pseudo-distinctions of state and sovereignty, a confederation and a federal state. Both Calhoun's and Seydel's doctrines deal with key concepts in the constitutional theory of federation. The task here is not to prove that either the US or Germany today is a 'federation,' but rather to pose the question (without preconceived notions and phraseology) whether today there is some sense in which either can still be called a federation or whether only the remnants of an earlier federation have been deployed organizationally in the construction of a unitary state or whether true federal elements have been transformed gradually into the organizational elements of a unitary state."[53]

This is the point. Calhoun and the entire South became obstinate in

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51. John C. Calhoun, *Works*, Vol. II, *op. cit.*, pp. 262-263. The above is a summary of the resolution.

52. John C. Calhoun, *Speech on the Revenue Collection (Force) Bill, Feb. 15-16, 1833*, in *Works*, *op. cit.*, Vol. II, p. 260.

53. Carl Schmitt, "The Constitutional Theory of Federation," in *Telos* 91 (Spring 1992), pp. 35-36.

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their belief that the US was an authentic federation, that the Constitution was a tool attributing amending powers to three-fourth of the states, and that ascribing governmental functions to a superstructure established to administer common matters did not substantially change the contractual and voluntary character of the association between the states. But history was moving in another direction.[54]

Conclusion

The term sovereignty has had different meanings in America and Europe. In America, sovereignty had a clear anti-statist function (in as much as the sovereignty of the constituent units was construed as a barrier to the consolidation of the Union), while in Europe sovereignty is still the keyword for the construction of state and statehood (predicated on the absolute politicization of the term state and totally hostile to any concept of politics beyond or outside the state synthesis). American sovereignty is simply the power to promulgate laws and is free of all the elements that presided over the construction of the modern state in Europe and were systematized by the dogmatic German school of the past century. For early American theorists, sovereignty was not a "genetic concept," the midwife of the state, or the metaphysical attribute of statehood. Rather, it derived from the hermeneutics of the American compact. The ultimate question on sovereignty in American political thought was never the all-encompassing European one of "who is sovereign?" but always "what kind of interpretation of the Constitution is consistent with the system of power sharing established by it?" For the exponents of the States Rights school, in particular, state sovereignty and the compact nature of the federal bond are the results (not the premises) of all intellectual operations of constitutional construction. The states are not free and independent political communities despite the ratification of the Constitution, but because of it.

Despite all these distinctions and clarifications, the States' Rights school failed, first intellectually, then on the battlefields. Calhoun's

54. Calhoun was aware of this. Thus, from the mid-1840s until his death, he abandoned the doctrine he had defended in the previous decade in order to elaborate (in *Disquisition on Government,* published posthumously in 1851) the theory of the "concurrent majority," which is one of the most important critiques of the tyranny of the majority ever written. However, it must be noted that he was much more appreciated by his contemporaries as the brilliant champion of the constitutional cause of the "South as a conscious minority." His "remedies" to unrestrained majority rule, such as the peculiar consent theory presented in the *Disquisition,* became matters of scholarly interest much later, in the mid-20th century.

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careful arguments were not enough to keep American political culture innocent of this heavy ideological notion. There seems to be no "immaculate conception" of sovereignty. Once a political culture adopts the word, no matter how cautiously, it also gets the "body of the king" and the long European history of monarchical and parliamentary absolutism. The primary effect, in the American case, was the statist displacement of federalism.

One may readily agree with Charles Wiltse: "It was the Alien and Sedition Acts that led to the first gloss upon the Constitution, made the states rather than the courts the defenders of individual liberties, and completed the transformation of the natural rights dogma into the far more powerful and effective doctrine of states rights."[55] The subsequent glosses upon the Constitution — in addition to Lincoln's bloodbath that settled the question of a Union supposed to be voluntary — have changed the landscape of American federalism forever. The first was the New Deal, with all its Keynesian dogmas of centralized taxation and public expenditures; the second, the process of integration during the 1960s. The first mortal blow was struck with the intellectual aid of utilitarian arguments (*laissez-faire* does not work); the second, with strictly moral ones (white Southerners must be coerced so they can become ordinary Americans). Both were operations of the federal government. In both cases, the Constitution was violated to an unparalleled degree. But the psychological wounds were even more acute. The federal government succeeded in portraying itself as the true defender of common citizens and minorities. By contrast, the states were perceived as relics of a pastoral as well as racist era, clearly in the way of progress and modernization. Consolidated government — "centralization" — was then seen as a by-product of modernization, and this very category is used by professional historians to justify pretty much everything.

Thus, the federal government acted as the sovereign and unchallenged power in domestic matters. Since Bodin's times, the functions of the sovereign power are quite clear: resolution of conflicts naturally generating within society, and demonstration of the necessity of itself (in order to justify not only government, but also that peculiar form of government). The first task is to show that the forces that generated the conflict are unable to provide any solution to it. *Laissez-faire* brought about

55. Charles M. Wiltse, "From Compact to National State in American Political Thought," in Milton R. Konvitz and Arthur E. Murphy, eds., *Essays in Political Theory. Presented to George H. Sabine* (Ithaca: Cornell University Press, 1948), p.156.

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the Great Depression, thus it was unable to cope with it. Similarly, in the case of segregation, the excessive powers of Southern state legislatures were part of the problem and not of the solution. Of course, sovereign power must also be able to show infinite wisdom and impartiality, because conflict — social or ethnic — must be dealt with by an impartial third, a real arbitrator. "Thirdness" is essential if the government wants to be vested with the necessary moral authority. While Keynes' *General Theory* provided the final proof that the federal government possessed more than enough economic wisdom to act during the 1930s, in the 1960s there was not even the need for an esoteric text. The fact that men were born equal was the self-evident truth on which federal actions and constitutional violations could be justified. Nowadays, years after the disillusion of "original intent" and of Reagan's New Federalism, the states seem always to be waiting for the Supreme Court's final gift: benevolence in the form of a new decision that might maintain or even expand their powers. From one department of the federal government, they expect to get back what other departments have taken from them in the course of more than a century.

State legislatures still retain some discretionary powers on an array of matters ranging from fireworks to the death penalty. This is all that is left of a grand design for self-government.

LEFT CURVE No. 23

Carol Brouillet: **Reinventing Money, Restoring the Earth, Reweaving the Web of Life;** John Horvath: **Bottom of the Barrel;** John O'Kane: **Antitheses of Cultural Marxism; African Foregrounds** (by Charles Cantalupo; paintings by Yegizaw Michael): F. Odun Balogun: **The Interview;** Gitahi Gititi: **Poetry in Gikuyu;** Reesom Haile: **poems;** Charles Cantalupo: **Ngugi wa Thiong'o: Penpoints, Gunpoints and Dreams: an interview;** Tanure Ojaide: **Poems;** Jeff Conant: **Against Oblivion: Fragments from a History of Invisible Struggle;** Jon Hillson: **Ché's Bones** (Poem); **A Report from Northern Ireland** (text by Dennis DeMaio, photographs by Pamela Vossenas): **Ireland: at the Crossroads of Peace & Continuing Conflict; The Good Friday Agreement; Interview with Martin McGuiness; Bloody Sunday; Muralist Spreads Republican Message Across Belfast Landscape;** E. San Juan, Jr.: **The Multiculturalist Problematic in the Age of Globalized Capital;** Peter Phipps: **Tourorists: Tourists, Terrorists and the Value of Death;** Vijay Prashad: **NGO Anthropology;** John Hutnyk: **Resettling Bakun: Consultancy, Anthropologists and Development;** Ken Smith: **The Shadow of God** (poem); Kajetan Kovič: **Poems;** Gwen Albert: **Pigs Out of Europe! Concentration Camps and Czech Pork;** Mike Evans: from **Sex, Drugs & Clinton: Using Stolen Passes to Enter the White House;** Poetry: Keith Antar Mason: **ba ra bbas;** Jean C. Howard: **What You Cannot Charge On Jean's Credit Card;** Jack Hirschman: **The Agneta Arcane;** Agneta Falk: **A Funeral; Opaque;** Jan DiVincenzo: **Regret; Weather; Disillusion;** P.J. Laska: **Second Reckoning;** Karl Eschenbach: **Free** (fiction); Charles E. Brooks: **Metaphysics to Norway** (fiction); Jan Susler: **1998: A Report on the Conditions of Incarceration of the Puerto Rican Political Prisoners and the Campaign for Their Release, Mindful of the Release of Political Prisoners Throughout the World;** Paul Laraque: **In Memoriam: Felix Morisseau-Leroy (1912-1998),** with **Selected Poems of Félix Morisseau-Leroy,** translated from Haitian Creole by Jack Hirschman and Boadiba; Sam Grolmes: **Ryuichi Tamura — A Farewell;** Ryuichi Tamura: **The Ants** (poem).

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Notes and Commentary:

Symposium on the Kosovo Crisis

As a journal dealing primarily with critical theory, *Telos* does not, as a rule, become embroiled in current political issues. The following symposium was hastily organized for two reasons. First, the Kosovo crisis touches on many theoretical issues which have been the focus of the journal during the past few years. Second, we have been asked to support a manifesto opposing NATO intervention — a manifesto sponsored by some French intellectuals whose work has appeared in the pages of the journal and many of whose positions we share. The opinions in the following pages are meant to clarify why neither the journal as a whole nor most of its editors can support the following Manifesto of the International Committee "Non à la Guerre\Stop the War."

Europeans Want Peace!

Wednesday, March 24, 1999 will be remembered as a gloomy day in our history: for the first time since 1945, a European sovereign state is being bombed by a military alliance under American command, with total contempt for the rules of international law and in breach of the United Nations Charter.

NATO's aggression against Serbia is unacceptable and will only worsen the conflicts it is supposed to resolve. The first victims of the bombings are the Serbs and the Albanians, i.e., the very people NATO's sorcerer's apprentices are pretending to help. This "humanitarian" motive is nothing but a smokescreen, which fools no-one: Palestinians, Kurds or Tibetans, struggling against oppression and for international recognition, have never had the benefit of any military support. NATO, originally a purely defensive alliance, is now, under our very eyes, turning into the willing instrument of American and Western aggression in the world.

The restoration of peace in the Balkans depends on an immediate end to military operations, through a clear rejection of American strategies for dividing Europe, and by the opening of genuine political and diplomatic negotiations with the aim of uniting the parties through a long-term peace plan, i.e., a plan which takes into account the right of all peoples to self-determination.

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The signatories of this petition condemn the decision of the French and European governments to join this war without even consulting parliaments. They invite French and European citizens to show, by all means available, their rejection of the American war in Europe and their sympathy with the civil populations that are being bombed.

Join the International Committee "Stop the War." Cchampetie@aol.com

Response to a Mendacious Manifesto

Frank Adler

I am shocked and deeply saddened at the cynical one-sidedness of the "Europeans Want Peace!" Manifesto; so much contempt for "Western" (especially American) aggression against Serbia, and not a single sentence condemning Serb atrocities committed against the Kosovar Albanians. No mention of the systematic brutality (expulsion, murder, rape, robbery, and humiliation) that was openly practiced by Serb forces and widely reported well before the NATO bombs began to fall. Instead, we are being told to believe that Serbia is the victim, and NATO, a tool in the hands of American warmongers, is the aggressor. Europeans, the Manifesto says, should reject "American strategies for dividing Europe," and support peace negotiations, which take into account "the right of all peoples to self-determination." Apparently, those who signed the Manifesto see nothing inconsistent with these objectives in the actions of Slobodan Milosevic who, were it not for the American aggressors, would be more than happy to welcome back all the Kosovar refugees his forces have brutally expelled, and to restore the regional autonomy that he himself suppressed in 1989 as the first step toward the constitution of a Greater Serbia.

Instead of compassion for the Kosovar victims and outrage against the thuggery the Serbs call ethnic cleansing, the Manifesto signers vent their anger at the US, as if it were the primary cause, not only of the Kosovo crisis, but of destabilizing Europe politically, colonizing it economically, and cretinizing it culturally. Somehow, MacDonalds and Bruce Willis action films, both abominations, though not ones forced upon unwilling European consumers, become conflated with a purely defensive NATO operation, one taken as a last resort after months of negotiation, broken agreements, and unabated terror against the Kosovars. Such anti-Americanism was the subject of a brilliant polemic by Pascal Bruckner (*Le Monde*, April 7th), which begins by observing that it cynically places on the same plane those who would save the Kosovars and those who would liquidate

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them. Referring to a parallel petition signed by Pierre Bourdieu and Pierre Vidal-Naquet, calling for an immediate cessation of NATO bombing and self-determination for the Kosovars, Bruckner rhetorically asks by what magical trick does one pass from one to the other? One wonders about the ideological lenses through which certain European intellectuals of the Left and the Right now join ranks in denouncing the US, rather than condemning the real protagonist of the crisis, Slobodan Milosevic, without whose multiple and repeated offenses there would have been no NATO response whatsoever.

As a Jew and as a college professor who teaches a course on the Holocaust, I cannot be indifferent to a pattern of Serb aggression that seems all too similar to accounts of the horrors visited upon European Jews by Germany and collaborationist states during WWII, when practicing their own form of ethnic cleansing with the aim of rendering Europe *Judenfrei*: deportation, confiscation of property, destruction, dehumanization, execution. I refrain from using the loaded term *genocide* and making a direct comparison, for, as Elie Wiesel says, to make Kosovo identical to Auschwitz is to make Auschwitz identical to Kosovo. It is not that, thank God! But the family resemblance is unmistakable. Implicit in the Manifesto is the charge of selective morality: why intervene on behalf of the Kosovars and not the Kurds, Tutsis or other groups facing liquidation? Signers of the Manifesto would have us believe that coming to the aid of the Kosovars is nothing more than a pretext for Americans to intervene and dominate as they always do. First, on principle, the practice of ethnic cleansing should always be condemned and combatted. Despite their new-found reverence for unqualified national sovereignty, signers of the Manifesto affirm "the right of all peoples to self-determination." Curiously, and despite historical and contemporary examples, they fail to recognize that these two principles, often in conflict, will become still more problematic as ethno-nationalism becomes more prevalent. Second, because not all victimized groups are or can be helped, it does not follow that *no group can*. Of course, interests are at play along with moral principles. Kosovo is in Europe and within NATO's legitimate purview. A destabilization of the Balkans would be disastrous for all concerned, and certainly the peaceful integration of former Yugoslavia into the European Community (as with Poland, Hungary and the Czech Republic) would end the economic and political isolation, orchestrated by Milosevic, that has so noticeably degraded life in what once had been, under Tito, a relatively affluent communist state.

As opposed to the Manifesto, my own view is that NATO's intervention was too little and too late. Each instance of prior hesitation only emboldened Milosevic and led to more Serb aggression. If Vukovar had been prevented in 1991, there would have been no Srebrenica in 1995. Have we already forgotten? The Serb siege of Vukovar left over 5,000 dead, including 200 of the 265 patients who were removed from the municipal hospital and summarily executed. At Srebrenica, under the eyes of Dutch U.N. peacekeeping troops, Serb troops directed by General Mladic systematically executed between 8,000 and 10,000 Bosnian

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Muslims. And without Srebrenica there never would have been Raçak, the village in Kosovo where 45 residents were executed this past January. And after that, how many more Raçaks had there been before the West finally took some action? Opponents of the NATO bombing claim that it was the cause of the intensified ethnic cleansing that led to the exodus of more than 500,000 Kosovar refugees. They forget that, during the summer of 1998, an earlier Serb offensive already had generated an estimated 200,000 to 300,000 Albanian refugees. We know now that, during the Rambouillet Conference and the Holbrooke mission to Belgrade, Serb plans had already been made for executing Kosovar intellectuals, journalists, and political activists, as well as for the scorched-earth campaign that actually began several days before the first bombs fell. No sooner did the OSCE (Organization for Security and Cooperation in Europe) monitors leave Kosovo than the plan (code-named Horseshoe) was put into effect.

Given this lamentable record of Western indifference, compounded by prolonged, fruitless negotiations and empty threats, it is hard to comprehend the Manifesto's depiction of American and European leadership as overly aggressive or trigger-happy. This is not Vietnam *redux*. In fact, practically all of the Western leaders are of the anti-war generation and were opponents of the Vietnam adventure, so much so that political pundits have noted an unusual situation where the Left seems to be hawks, and the Right doves. That alone should tell you something about how this military operation is different, and why we are there.

Is It Possible to Manifest a Concern in Peace?

Jack Zipes

There is always something disturbing about manifestos, especially anti-American manifestos issued by European intellectuals. A critical linguistic analysis of the Manifesto issued by the International Committee "Non à la Guerre/Stop the War," would begin by questioning the phrase "Europeans Want Peace!" Certainly, most Europeans want peace. But are most Europeans against the current war in Kosovo and Yugoslavia? It seems presumptuous for this committee to speak on behalf of all Europeans. In fact, most Europeans probably want the massacres committed by the Serbs to stop. But far be it from this illustrious International Committee to address a manifesto to the Serbs asking them to stop their atrocities and to find peaceful means to settle their differences with the Kosovars. This committee is merely interested in rhetorical diatribe, and it spews forth empty slogans such as "NATO's sorcerer's apprentices," "willing instrument of American and Western aggression," "American strategies for dividing Europe,"

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and "American war in Europe." The hollowness of such attacks is only matched by the hollowness of their concern in the right of all peoples to self-determination.

If the signers of this "Manifesto" were truly concerned in the self-determination of all peoples, then they should be asking why the Serbs were imposing their will on the Kosovar people, and raping and slaughtering innocent people before March 24, 1999. They might also begin investigating why all of the NATO governments have supported military intervention in Kosovo and are not acting as puppets of the American government. They might ask why the Serb people have not been well-informed by their government and their media about the brutal and cruel acts of the Serb army and special forces. They might want to consider whether there are any parallels with the Nazi occupation of the Slavic countries during the 1930s and 1940s. And they might ask themselves whether there is some continuation of the brutality and the totalitarianism of the previous communist regimes, not only in the Balkan region, but also in Europe?

Nobody really wants war. It is a no-win situation for everyone involved, and it is difficult to forecast the outcome. But it is presumptuous to argue that the NATO forces eggravated the situation in Kosovo, when Milosevic had his plan and strategy in operation before the NATO bombings began and would have continued his operations no matter what NATO did. Instead of idly watching self-determination being ripped ruthlessly from the hands of the Kosovars, NATO forces decided to try to prevent the Serbs from taking over Kosovo and ravaging the country.

I have always questioned the American government's "humanitarian" interests. Vietnam, Chile, Guatemala, El Salvador, the Middle East, Africa — these are all places where the American government has intervened to "save the free world" and has tried to act as a moral arbiter. For the most part, the American government has taken the side of dictators or ruling elites that have exercised absolute control over their peoples. Sometimes the American government has bungled and helped overthrow dictators in the Philippines and in Haiti. Whether effective or bungling, the American government will always act in its economic and political interests. In this regard, it is certainly no different from any of the other states involved in the Balkan crisis. But it is difficult to accept the argument that American policy is somehow connected to a plan to dominate Europe by having its way in Kosovo or Serbia. Any thorough analysis of globalization will reveal that the US has become more dependent on the effective peaceful functioning of capitalism, rather than on an internecine warfare. Moreover, globalization cannot really be controlled by any one state, which is perhaps one of the reasons why NATO forces have sided against the Serbs. Certainly, none of the NATO nations has become involved in this conflict out of "pure" humanitarian interests.

Gabor Rittersporn is right when he asserts that the notion of disinterested humanitarian motivation is untenable, and that there is something dangerous about the selective "humanitarian" intervention of the NATO forces at this point in history. But it is even more dangerous to allow a dictator and his henchmen to run amok and perhaps to establish a stronghold of fascism through ethnic cleansing. It

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is the demonstrable cruelty of many willing executioners and killers that has brought upon this war, and it is irrelevant, in my opinion, to question the legitimacy of present NATO policy and previous US foreign policies when such barbarism is taking place right before our eyes. Manifestos announcing that "Europeans want Peace!" are barbaric when the people who sign them close their eyes to the consequences of real existing fascism. Whatever the motives of the NATO forces and the Serb government may be, the Kosovar people need a forceful intervention on their behalf, or else they will be eradicated or banished forever from their country. This is the reality of their situation, and unfortunately, force may be the only way that can stop the madness created by the Serbs' onslaught.

Kosovo and the Critics

Russell A. Berman

When the initiation of the bombing campaign against Serbia did not lead to an immediate cessation of the attacks on the Kosovars, critics were quick to declare that NATO had failed. In fact, the apparent acceleration of Milosevic's assault in Kosovo and the efforts to pursue ethnic cleansing against the Albanian majority were interpreted as a direct result of the NATO campaign: as if the alliance and ultimately the US and Clinton were directly responsible for the displacements and killings. Now we know that this accusation was a textbook case of *post hoc ergo propter hoc*: Milosevic had long planned the purge; indeed, his participation in the Rambouillet negotiations probably only had the purpose of stalling and gaining time with which to pursue the purge more effectively. It was not the bombing that caused or accelerated the genocide; it was Milosevic. Nevertheless, critics leapt to point a finger of blame at Washington. Had it not considered that the likely consequence of bombing would be even more ethnic cleansing (even though the ethnic cleansing was already occurring)? Facing this question, US Secretary of Defense Cohen answered testily that, indeed, the consequences had been weighed, as had the consequences of doing nothing. The latter, standing by in the face of genocide without lifting a finger, was deemed worse.

Despite its heroic ring, the answer is not fully satisfying. Surely just doing anything, perhaps even something wrong that makes a situation worse, is not a desirable formula for policy. For there are some considerable failings in the US and NATO stance, discussed below. Still, Cohen's comment is right on the mark as an implicit response to the sort of criticism that began to emerge very quickly after the bombing began. Be it in the French Manifesto or elsewhere in the European press,

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or in radio interviews or printed comments by Chomsky, Cockburn, Said, Zinn and others in the US: the anti-war intellectuals claim to recognize the reprehensible nature of the Milosevic regime and its genocidal policies, but the conclusion they draw is that NATO and the US should do nothing.[1] So, aside from the many political and cultural issues around the war, some real, some imagined — the post-Communist complexities in Yugoslavia, the Ottoman legacies, Western vs. Orthodox Christianity, etc. — the debate reveals a fundamental poverty of criticism. The stance of the critical intellectual, derived from Enlightenment postulates, including a commitment to cosmopolitan solidarity, turns into a whiny enervation and ultimately into an apathetic willingness to watch as a people is eradicated. They invoke high principles, they deploy grand rhetoric, they feign expressions of profound concern, and they do absolutely nothing. Worse: they tolerate nothing being done. Hamlets all, they recoil from the very sight of action. A half century ago, intellectuals said nothing about Warsaw; they don't care about Pristina today. Their message to the Kosovars is well captured by the title of Tadeusz Borowski's fiction, hardly fiction anymore, "this way for the gas, ladies and gentlemen."

The *J'accuse* that the intellectuals hurl against the US is the accusation that it has undertaken any action, for these are Nietzsche's "scholars," who would project their own incapacity and lack of will onto everyone else. This despair at action is evident in the three main arguments levelled against the bombing, each a pretext to do nothing. First, there is the call for negotiation, rather than for violence: could we not talk instead? could we not talk longer? perhaps forever, before doing anything? Of course, no one (with the possible exception of Milosevic) would disagree that negotiations are preferable to a military assault. Furthermore, one can ask retrospectively if the negotiating skills of the US and the West European powers were deployed as effectively as possible. Yet, surely no one can have missed the fact of the nearly perpetual negotiations, from Dayton to Rambouillet. Perhaps they might have been conducted more effectively, or perhaps Milosevic only used them as a cover; perhaps some future historian of the Balkans will clarify this issue. In the meantime, negotiations collapsed, the genocide against the Kosovars continued, and Clinton warned Milosevic several times, in fact probably too often: he surely did not rush to start the bombing (to his discredit, some would add). One can always imagine keeping a conversation going longer, as intellectuals characteristically would prefer, but others understand that eventually the time for action comes. War becomes politics by other means. The absolute opposition to any war reveals a fundamental refusal of politics.

The second argument against the bombing points to inconsistencies in US policy. Because the US failed to intervene in other cases, it has no right to do so in Yugoslavia. Saul Landau takes this position, unwittingly, to its *ad absurdum*

1. Chomsky in a radio interview on the Pacifica network, April 7, 1999. Alexander Cockburn, "One Last Look Before We Leap,"; Howard Zinn, "The Kosovo Situation"; Saul Landau, "US Expert on Ethnic Cleansing," April 7, 1999; Edward Said, "Protecting the Kosovars," April 6, 1999; all in *Andeson Valley Advertiser.*

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self-parody: because the US engaged in ethnic cleansing against Native Americans, it has no right to protest ethnic cleansing in Kosovo. It seems that the wrong conclusion is being willfully drawn in order to discredit any possible strategy to stop Milosevic. Of course, one could point to the same past to come up with a different result: the fact of terrible failure in the past might be taken to be a reason to get it right in the present. Yet, critics of US policy seem to insist that the US, wrong in the past, can consequently never get it right in the present or the future (they are, in effect, less liberal than advocates of the "three strikes and you're out" sentencing code, who at least concede the possibility of a second chance). Similarly: because the US failed to stop the Holocaust, it is hypocritical, some strangely conclude, for it to engage in the Balkans. Although not the first case of genocide, the Holocaust has become the symbol of attempts to exterminate a people. It is because of the Holocaust that there is at least a norm that genocide should not be tolerated. Needless to say, the norm is not acted upon in all, perhaps in most instances. Yet, it is unclear why we should draw the conclusion that any resistance to genocide is wrong, because of inconsistent applications of the norm.

For the record, the example of the Holocaust might well be cited as grounds for the bombing: the targets might have been better chosen, and the attacks might have started earlier. But the massive bombing of Germany in WWII could be seen to be a very close precedent (understanding that no analogy is exact) for bombing Serbia. At least in this case, the accusation of inconsistency does not hold very well. What are the other examples commonly cited? Said attacks the US for racism for not intervening in Rwanda: but it did intervene in Somalia, a counterexample that discredits the trivial accusation of racism, and surely, given history, it was arguably a French responsibility to play a role in the Rwandan catastrophe. (Alas, it was reported that Mitterrand commented that one has to expect genocide in that part of the world.). For decades, the left ignored Tibet, and only anti-communists pointed out the brutality of the Chinese occupation. Moreover, in the era of the high Cold War, US policy was certainly somewhat constrained by both Soviet and Chinese power, i.e., this is an example taken from another period in which a different constellation of power prevailed. Still, it was the US that was willing to lead the resistance to the Chinese invasion of Korea: another precedent, again disproving the inconsistency accusation. Finally, why should the US intervene on behalf of the Kosovars, so goes the challenge, if it won't do anything for the Palestinians? The analogy is absurd. As obstinate as aspects of Netanyahu's policy have been, it is delusional to see it as in any way comparable to Milosevic's. The Serb nationalism that Milosevic has inspired has led to the deaths of 200,000 in the former Yugoslavia, and to the displacement of three million people, as well as to extensive campaigns of genocidal rape. Netanyahu has supported a handful of settlers in the West Bank. The connection between the two cases is not convincing. Moreover, the US (and even more so Western Europe) has given political and material support to the Palestinians in a way that the Kosovars have never even imagined. Clinton visited Gaza, not Pristina.

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Rwanda, Tibet, Palestine: under scrutiny, none of the cases for inconsistency really holds up. Of course, each case is different, with different political contexts and different internal textures. Each is particular, and the application of any principle always involves compromise, complexity, and accommodation. Differences necessarily characterize any empirical circumstance. But critics latch on to them in order to cast aspersion on the NATO action. In other words, what is at stake is much less real complexities of foreign policy than a rhetoric of hair-splitting and grasping at straws — not in order to clarify the situation, but to obscure it. So much for Enlightenment. The pedantic outrage over inconsistency turns out to be just another pretext for inaction. The underlying assumption is that, because of past failures, future successes are unacceptable: this pessimism is particularly noteworthy, since it reveals how much the verbal heroism of public intellectuals has renounced its own heritage of progress. Better to give up on the notion of progress than to imagine that the US might ever be its agent.

The third argument levelled against the bombing campaign involves ulterior motives. The suggestion is that the humanitarianism is just a pretext or, even if it is sincere, it is contaminated by other goals: US national interest, finding a role for NATO, dismantling Yugoslavia (viewed by some on the Left as a final hold out against IMF policies), and so on. In this case, a platitude turns into an accusation. A principle might be pure, but the real-world pursuit of a policy that requires building political consensus and utilization of actual resources necessarily requires multiple rationales. It is as if the critics of the policy would accept US intervention on behalf of potential victims of genocide if and only if the intervention took place expressly against US national interests. Indeed, not only with regard to politics, this psychological century surely understands that the motivation behind an action might be plural; those motivations should be discussed, but a bad motive alone hardly undermines a good one. The evaluation has to be based on the outcome which, at this point, is hard to foresee. The primary concern in the outcome has to involve the situation of the Albanian Kosovars.

Yet, a secondary concern is also the future of NATO and the relation of the US to European security concerns. Perhaps, if the European nations had shown some leadership in addressing the catastrophe in the Balkans, US involvement could be much smaller. In the end, however, the major European nations chose not to exercise such leadership. What then is the alternative to Milosevic? Do the critics really think that a Russian solution would be preferable, or even likely? Then Pristina could become Grozny. If there is any hope for a long-term improvement in Kosovo and the Balkans, it will require not only a military solution; some massive infusion of funds will have to flow into this poorhouse of Europe. Some have spoken of a "Marshall Plan" for the Balkans, and this discussion would again challenge the Europeans to take responsibility, as unlikely as that may be. One could imagine that, rather than a NATO predominance, the European Union, that consumer alliance of Western Europe, might provide the economic energy with which to lift the region out of its poverty. Could the European Union take on economic

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responsibility for Southeastern Europe, the way Germany has taken on the economy of East Germany? The suggestion highlights the contradictions in Europe: while NATO is prepared to take on security responsibilities in Eastern Europe (with the recent expansion to include Poland, the Czech Republic, and Hungary) and to engage in Southeastern Europe, the European Union still maintains its own iron curtain against the East. Hamlet won't act, so Fortinbras arrives.

The US-led NATO campaign is a problematic response to the Milosevic regime. But it is the best current option. The public intellectuals denouncing it have no reasonable alternative except their own callousness. Much can be learned about the psychology of intellectuals from this event. Yet, there are equally important criticisms that the US action calls for, and they might be summed up as follows: it should have started earlier and it should have been stronger. We did not have to wait until Kosovo to learn the nature of the Milosevic regime; there is no evidence of his being an honorable negotiating partner, and there is plenty of evidence demonstrating his willingness to encourage the worst brutality. However, there is also strong evidence that the US and NATO lacked appropriate military preparation, both in terms of material and in terms of focus. The bad weather over Yugoslavia is not Clinton's fault, but the evident absence of adequate Apache helicopters certainly is. In addition, the only reason to have promised Milosevic that he need not worry about NATO ground troops would be that Clinton felt he had to persuade a reluctant public, still hamstrung by the Vietnam syndrome. If that was the calculation, however, the alternative would have been to provide leadership, to make the case more forcefully, and to begin to explain the need for a ground force. There is a breathtaking reluctance to face the fact that war may be more than a computer game, that it may involve casualties, and that it surely involves fighting. The whole matter is, at this writing, still being presented to the public as if it could be restricted to the abstract distance of the bomber and will never require a genuine engagement.

Yet, the weakness on the American side is not just a matter of the psychology of a President who thinks he can stay in the air, and that he will never have to inhale. This delusional distance from reality recurs in the by now infinitely repeated truism that most Americans cannot find Kosovo on a map. The phrase is usually taken to mean that Americans, insular and isolationist, particularly after Vietnam, really don't care about Kosovo or its refugees. Yet, the initial public response seems to indicate a willingness to support the war (for whatever reasons), despite the imputed lack of geographical knowledge. The problem, therefore, is not at all a fundamental undercurrent of pacifist isolationism, but — they do not know where Kosovo is — a deep-seated failure in the educational system. This includes the devastating vacuity of K-12 education that really does teach painfully little about the rest of the world, but it also includes the dismantling of teaching and scholarship about other areas of the world at the university level. The old model of "area studies" has disappeared, as the social sciences have moved toward

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forms of abstract modeling (rational choice) and the cultural fields have been decimated by the culture wars and ridiculous theoretical paradigms. In that context, fewer and fewer students learn about the real and complex social and cultural processes in distant parts of the world. The situation regarding language learning is even worse: Russian has nearly disappeared from the curriculum, so we can hardly expect anyone to be studying the languages of Yugoslavia.The point is twofold: the educational system is not educating the public to know about the rest of the world, nor are the universities training a cadre of specialists who might provide government and other key institutions with the sort of expert knowledge that is crucial in war or in peace. At one point around the beginning of the bombing, Clinton is reported to have said in a press conference that he is "beginning to read up on the history of the region." A far cry from the Brain Trust days.

US education drops the study of the rest of the world, replacing it with an obsessive focus on domestic US concerns, and that too gives way to a focus on the self and identity politics. This is the trajectory of the culture of narcissism: instead of training for political leadership, we teach political correctness. Students do not know where Kosovo or Rwanda is, but they learn all about eating disorders and non-traditional families. This *Massenverdummung*, this promotion of mass ignorance is precisely what the culture industry has been about. Instead of nuanced discussions about the dissolution of Yugoslavia and the past decade of activism for Kosovo autonomy or independence, we have been regaled with O. J., Jonbenet, and Monica. Thanks to American journalism, we have no idea where Kosovo is, but we know all about the stain on the dress. This is the same media that gives enormous play to the families of the American POWs, presumably of genuine "human interest," but that took years to consider touching the story about genocidal rape, for fear of being considered biased.

The US political leadership is miserably confused and shallow: both Clinton and the hopelessly opportunistic Republicans, who sorely want to criticize Clinton but cannot decide if they want to be hawks or doves. (They are probably waiting for the polls.) This sorry state is no worse than the society it represents. Given the rampant obscurity, the lack of serious public discussion, the absence of clear political thinking, and the collapse of the educational system, the amazing result is this: that at this early stage the public appears to understand that it is important to take a stance against genocide and that, despite its critics and its flaws, the American position on Yugoslavia is the best one around.

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Kosovo and the Courage to Think with One's Own Head

Gordana P. Crnkovic

Following a vituperative campaign from the Yugoslav political and literary establishment, Danilo Kis, one of this century's best Serbian writers, left his country and moved to France, until his death in Paris in October 1989. Kis' *A Tomb for Boris Davidovich* (1976) was accused by Yugoslav critics of plagiarism, an absurd accusation that hid, as Dragan Klaic noted, an attempt to "dismiss [Kis] for his lack of national consciousness."[2] The child of a Hungarian Jewish father who perished in Auschwitz and a Montenegrin mother, the first graduate of Belgrade's Comparative Literature department, a sophisticated translator of Hungarian, Russian, and French, and a writer of cosmopolitan origins, Kis criticized nationalism and nationalist culture wherever he could. He pointed to nationalism's suppression of an individual's critical opinion — the ability to think with one's own head — that is different from the "voice of the people," usually identified with that of the people's leader.

After leaving Yugoslavia for France, however, Kis encountered another type of dogmatism among the intellectuals with whom he associated. "I lived in Bordeaux in the 1970s, at the time of widespread 'leftism' in France and in the West in general, when the fact of the Soviet camps was not yet accepted. . . . Solzhenitsyn's book appeared at approximately that time; but, initially, the world refused to accept the terrible fact of the Soviet camps (whose existence is one of the crucial facts of this century) and thus leftist intellectuals did not even want to read this book, The *Gulag Archipelago*, considering it to be an act of ideological sabotage and rightist conspiracy. . . . These people . . . . held aggressive *a-priori* opinions . . . they were extremely intolerant, and grounded themselves in *a-priori* Manichean concepts: East is Eden, West is Hell. . . .The existence of Soviet camps did not fit their easy schemes. Therefore, they tried to close their eyes to reality and did not take this fact into consideration. . . . And those who saw things differently, like Aron in France, or Koestler and Popper in England, not only were not listened to, but were rejected *en bloc* and *a-priori* as reactionaries, 'bourgeois' thinkers, 'fascists.' . . . . That was fanaticism, blindness and — arrogance."[3]

What is the connection between the "blindness" of 1970s "leftists" described by Kis and today's stance of those who oppose intervention on behalf of the Albanian people in Kosovo? Both of these groups hold "*a-priori* opinions" and "try to

2. Dragan Klaic, "Danilo Kis: The Theatrical Connection," in *The Review of Contemporary Fiction*, Vol. 14, No. 1 (Spring 1994), p. 204.

3. Danilo Kis, "Trazim mesto pod suncem za sumnju" ("I am looking for a place under the sun to put a doubt"), in *Izraz* 68, No. 9 (September 1990), pp. 198-99.

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close their eyes to reality" in order to preserve their "effortlessly made schemes." While the beliefs of the 1970s group simplified the world to the easy slogan of "East is Eden, West is Hell," the credo of the today's opposition to the Kosovo intervention maintains that it is always possible to find a peaceful solution to all problems regardless of the "parties" involved ("genuine political and diplomatic negotiations" mentioned in the appeal), and that the use of force — disregarding any circumstances where it can actually be used to defend someone or destroy a murderous regime — can never solve anything. But what are the facts?

For those unaware of the facts of the last decade's events in the territory of the former Yugoslavia, a brief chronology of Milosevic's rule is in order. Following the death of Tito in 1980, Yugoslavia plunged into an economic and political crisis. Milosevic seized power in Serbia at that time, becoming as good a nationalist as he had previously been a good communist. He destroyed opposition in Serbia proper, then forcefully dissolved the autonomy of Serbia's two provinces (Voyvodina and Kosovo), and installed his regime in Montenegro. (The shooting of Albanian civilian protesters in Kosovo in March 1989 was only a dark prelude to the horror that was to come.) By so doing, he got four out of eight votes in the former Yugoslav federation, the other four belonging to Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia. Therefore, he was able to veto every move toward a more confederate structure that the other four members favored. Milosevic also internally "cleansed" the Yugoslav People's Army, removing non-Serb commanding officers as well as liberal Serb ones, and he conveniently seized some $10 billion of the federal reserves of the former Yugoslavia and $6.5 billion of the private savings of citizens from all parts of the former Yugoslavia, which were held in Belgrade. Many families lost their life savings.

Most importantly, Milosevic seized radio and TV stations reaching the Serb populations of Croatia and Bosnia, disseminating propaganda of hate and fear.[4] It

4. Milosevic's propaganda machine not only convinced many Bosnian Serbs by 1992 that they would be exterminated by the Muslims unless they acted first, so they could destroy and kill while feeling like victims themselves, but it also managed to affect much of the world for a long time. Bosnian Serb war criminal Radovan Karadzic was a steady guest on the world's TV channels; everyone saw Sarajevo — a multi-ethnic city with many Serb and Croatian people who decided to remain despite the attacks — being shelled for years. But Serb propaganda claimed that it was not the way it looked, that they were doing it to themselves, and so on. If not actually convincing the world of their story, they managed to shatter the Bosnian story and put a question mark on it, which was enough to justify the world's prolonged passivity. A similar "shattering of the facts" effect might be happening now with the world's broadcasting of Serb TV (fully under Milosevic's control) and the events in Kosovo. Faced with NATO actions, citizens of Yugoslavia are now carrying "target" signs prepared by the government and displayed for the world's cameras. But they are not the target — it is their murderous military regime, of whose actions in Kosovo Yugoslavs know next to nothing. None of the Kosovo Albanians is wearing a "target," because none of the Albanians still inside Kosovo can be seen or heard by anyone, surrounded as they are by the Yugoslav army and paramilitary units who do not let journalists see any of their crimes.

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took a long time but ties of trust were broken and paranoia ran rampart among a large part of that population. In the summer of 1991, Milosevic attacked Slovenia and then withdrew. In fall 1991, the war in Croatia resulted in the seizure of a fourth of Croatian territory (including oil-rich eastern Slavonia) and the cleansing of that area of its Croatian inhabitants, the complete destruction of Vukovar, a lovely baroque town on the Danube, constant shelling of Dubrovnik, Zadar, Sibenik, and other Dalmatian cities — all before Croatia was recognized as an independent country in January 1992, not because of it.

At the time, many pleaded for international intervention to stop Milosevic, warning that multiethnic Bosnia, placed as it was between Serbia and occupied Croatian territories, could be the next site of carnage. No intervention came, except for an arms embargo on "all sides" that helped Milosevic's regime, which already had all the arms of the Yugoslav Army. The same embargo deprived Bosnia — by that time a sovereign country — of the means to defend itself. And so the horror continued. The siege of Sarajevo left 11,000 dead in that city alone; systematic "cleansing" of rural Muslim areas was carried out, which meant organized mass executions, rapes, expulsions, and the destruction of mosques, graveyards, libraries, all cultural signs of the Muslim presence. These, unfortunately, are facts that should by now be available to everyone. It suffices to look at the reports of any of the human rights organizations to confirm them.[5]

Throughout the "war" in Bosnia, the international community did exactly what present protests against NATO intervention call for: there was no use of force to deter Milosevic's onslaught and there was an endless row of "genuine political and diplomatic negotiations." Did Milosevic negotiate? Of course, he did, all the time; he loves negotiations, and he carried them on for years without stopping any of the killing, using talks as an umbrella pacify an international community that "wanted peace." Once the siege of Sarajevo lasted for three-and-a half years (the longest in modern warfare), once the UN-protected "safe heavens" of Srebrenica and Zepa were overrun by Serb troops, leaving tens of thousands of bodies in their wake, Milosevic knew that nothing his people did would provoke an international response, so he could just as well keep on doing it. The world refrained from the use of force and negotiated, and the result was 200,000 dead and disappeared, and up to some two million displaced people, and the maintenance of a regime that learned it could do the same thing somewhere else with the same lack of consequences. The first time Milosevic negotiated in earnest was

5. This chronology focuses on Milosevic's regime and thus excludes an account of the other main culprits of what happened in the Balkans, the Croatian regime of Franjo Tudjman being one of them. Milosevic and Tudjman worked together much more than previously thought. See the recent book by Tudjman's former aid, Hrvoje Sarinic, *All My Secret Negotiations with Slobodan Milosevic 1993-95*. It is often assumed that their deals included the expulsion of Serbs from the Croatian Krajina region in 1995, with the Yugoslav Army not doing anything about it.

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when the air strikes finally happened in 1995; very limited strikes, coming, incidentally, exactly at the time when the Bosnians finally managed to arm themselves enough to start gaining back some of their territory. The Dayton Peace agreement of November 1995, saving lives as it did, in effect confirmed the situation as it was on the ground at the time and thus cemented Serb gains.

Impoverishing his country while making himself rich, depriving Yugoslavs of basic democratic rights and silencing free media and opposition, Milosevic maintains his rule only by projecting a siege-like mentality which requires a demonized external enemy. He turned to Kosovo (the population of which was 95% Albanian), where the last decade saw the worst abuses of human rights documented by watch organizations. Milosevic does not want a "long-term plan" or the "right of all people for self-determination." He simply wants Kosovo emptied of Albanians, and he has given ample proof of this intention before and after NATO attacks. Kosovo is to be entirely "liberated" of its inhabitants, so that Milosevic can negotiate a partition which would "give" half of Kosovo back to the Albanians while retaining the area of Kosovo's zinc and gold mines, which are to become, surprisingly enough, the property of Milosevic's family through an already made (il)legal deal. After Kosovo, Milosevic could turn to Montenegro (where he has already started to exert pressure), then Macedonia, and so on.

The world could have kept on "negotiating" with Milosevic for a long time. There is a Serb proverb that summarizes the effects of these negotiations: "*od kara ne boli glava*," or "one's head is not hurt by reprimand." When language has lost its referents, when threats that "this or that decisive action would be taken unless Milosevic stops the atrocities" become emptied of meaning, then this talk and these "genuine negotiations" have no value whatsoever — one's head is not really hurt by them. Only action showing that words actually mean what they say, that "if you do not stop you will face consequences" can weaken this regime and allow conditions in which Kosovo refugees might return home one day, and in which Serbia might rid itself of the government responsible for some of the most shameful pages of its entire history.

Those who oppose NATO intervention are not critical of their own honorable but naive belief that it is always possible to "talk" with everyone and anyone, and by talking alone to achieve the desired goals. They refuse to rethink this opinion in light of available facts and they close their eyes to the reality of Milosevic's brutal regime, which loves to negotiate and carry on business as usual *unless* there is a good reason not to do so. Calls for peace not backed by the use of force have unfortunately proven not to be good enough. NATO attacks might not be enough of a reason to talk either, but they will diminish the ability of this military machine to go on, leaving mass graves and burned villages in its wake.

A Serb rally took place a week or so ago in Berlin, at the Zoo train station. One man went to the podium. "Fellow Serbs," he began, "everything that is happening to us today can be blamed exclusively on the politics of Slobodan

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Milosevic." He did not manage to say much beyond this. There were verbal and physical attempts to silence him. He was escorted away by the police. This man chose to think with his own head.

If not "Never Again!" at Least not "Always!": The Kosovo Crisis in Perspective

Paul Piccone

Generals always prepare to fight yesteryear's war, and intellectuals always oppose yesteryear's policies. It is not surprising, therefore, that military preparations for the Kosovo crisis indicate that it was expected to be a mere re-run of the last Bosnia imbroglio, and that most intellectuals are responding to the Vietnam war. For many Europeans, paleoconservatives and assorted unreconstructed leftists, it is nothing but the same old warmongering imperialism; a ploy to divide and dominate Europe: "if not Rwanda, Tibet, the Kurds, why Kosovo?"; "why interfere in the internal affairs of a sovereign nation?." "Europeans want peace!" — even if that means condoning Serb extermination and expulsion of hundreds of thousands of alleged "KLA terrorists." Anyway, who can possibly defend Muslims against Christians, trust a president who claims not to inhale or a country like the US. Little more than half a century after the shock of the Holocaust, not only has the civilized world's defiant response at the time: "Never Again!" apparently been forgotten, but it seems to have been reversed, as the descendants of those intellectuals Hegel dubbed the do-nothing "beautiful souls" now demand that American foreign policy be consistent in pursuing its standard — allegedly self-serving — diabolical objectives, ranging from benign neglect of mass atrocities to open support of the perpetrators. Since ethnic cleansing happens all the time, even if on a much smaller scale, most of today's intellectuals call for negotiations *ad infinitum*, down to the cleansing of the very last ethnic undesirable. This is the surest way to reverse the now forgotten oath "Never Again!" into "Always!"

As usual, however, these arguments do not go very far in legitimating the horrors of collective executions, mass deportations, and the brutalization of hundreds of thousands of refugees, and American public opinion does not seem to be heeding the new ivory-tower calls for isolationism at home and the routine knee-jerk anti-Americanism indictments from abroad. Of course, US foreign policy since 1989 has had no coherent direction and, at best, has sought to maintain at all costs the new *status quo*. This is why Sadam was left in power, the Kurds' plight

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was ignored, there were no major objections to the Russians' unsuccessful attempt to subdue Chechens, etc. Now that there are no longer any challenges to American world hegemony, the US State Department's routine conservative objective — the infamous "New World Order" — has been to maintain the existing system of "sovereign" nation-states, pending the allegedly inevitable Americanization of the planet. Presumably, without any major disruptions, there will be "progress." Hollywood, McDonalds and Bill Gates will see it.

What has been missing from recent heated discussions concerning the Kosovo crisis is any serious attempt to understand its logic and why disasters of this kind seem to recur with frightening regularity. When, e.g., Milosevic is indicted as a new Hitler, the enthymeme is that there is a satisfactory and generally accepted account of what really happened with Hitler. Simply drawing the analogy is expected to clarify everything. But what was the real story with Hitler and the Holocaust? Was it merely a matter of a blood-thirsty anti-Semitic tyrant? Were the German people all "willing executioners"? Was it but another particularly nasty instance of imperialism? Or maybe Hitler was only a good patriotic German taking care of business. All of the above? The sad fact is that Hitler and the Holocaust as the key to the tragedies of the 20th century — and, *ipso facto*, Kosovo — are far from being fully understood, and the mandatory expressions of shock and horror concerning what happened in Germany during WWII only serve to deflect serious analyses of the political and historical reasons that made it possible. No wonder micro-Holocausts are constantly being re-enacted in very different contexts, against particular races, classes, ethnic groups, etc. The *dramatis personae* change, the numbers fluctuate from millions to mere dozens of victims, and machetes or Kalishnikovs are substituted for "shower" chambers. but the plot remains the same.

The disheartening fact is that the horrors of the Holocaust, which had already been prefigured much earlier with, e.g., the Armenian massacre and, arguably, even earlier, with the Spanish *conquista* or the extermination of American Indians, has hounded the 20th century and is likely to continue hounding the 21st. This is not because of any innate evil human nature or various idiosyncratic forms of "racism," but because of unresolved fundamental political contradictions inherited from the 19th century. It has to do with the modernist belief that nations, sprouting first in Europe and then everywhere to rule over arbitrarily circumscribed territories with heterogeneous populations, could be effective political subjects in a rational geopolitical context. This nationalist dream was gradually undermined by the failure of one of its essential preconditions: the creation of a homogeneous citizenry by means of the state's pedagogical secular institutions. The rationalist assumption that social identity could be constituted exclusively through democratic means such as public assemblies, representative forms of government, and the nurturing of civic virtues, presupposed the givenness and stability of precisely that personal identity constituted by those internalized traditional structures the new exclusively secular order was increasingly marginalizing. Thus, instead of

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developing anything qualitatively new, the nationalist strategy only managed to destroy most of the old. Far from developing responsible citizens, the nation-state contributed to the degradation of flawed premodern individuals into masses of manipulable sub-individuals increasingly unable to sustain democratic institutions — the kind of people the Frankfurt School's early studies of the family and of authoritarian personalities so well described, despite numerous scientistic exaggerations and the careless deployment of psychoanalytic fairy-tales.

As a result, in an international context where demographic heterogeneity tends constantly to increase because of mass migrations and unexpected population shifts in practically all countries, instead of ever more homogeneity, there is growing cultural heterogeneity — despite the fact that everyone participates in the predominant popular culture, longs for the latest "sport utility vehicle," and wants to be in the stock market. Efforts to bring about national homogenization via secular socialization and the concomitant erosion of traditional mechanisms have left a vacuum which could only be filled by the resurgence of bureaucratically-managed "multicultural" substitutes for those allegedly transcended traditional identities predicated on religion, language, race and ethnicity in general. In response, conservatives have taken the easy way out of this predicament by demanding the identification of the secular state, previously predicated on universal values (the old *Rechtsstaat*), with particular ethnic characteristics — or, in the case of the US, with an allegedly neutral scientistic secular humanism — resulting in systemic intolerance of any real heterogeneity, particularity or otherness. The nation-state could guarantee its citizens' freedom and autonomy, but only as long as they were practically all the same and operated within a similar axiological horizon, i.e., they are all "French," "American," "Serbs," etc., as defined by predominant stereotypes. All others had to be either assimilated, excluded or, in extreme cases, eliminated

Additional problems resulted from the development of nationalism into imperialism. The secularization of politics following the deployment of the modern state to put an end to the religious civil wars of the 17th century was predicated on an autonomously functioning society which recognized only *homo oeconomicus*, whose personal identity was not only regarded as already given, but entirely a private matter irrevocably destined to become purely a function of economic interest. The systematic marginalization of traditional feudal relations and premodern forms of life paved the way for the hypostatization of economics as the decisive locus of power allocation and, as a result, the new arena of social conflicts. But the resulting class struggle between the bourgeoisie and the proletariat, privileged by liberals, Marxists and conservatives alike as the decisive determinant of political relations "in the last instance," was neither the only conflict nor the most important. A managerial political class, whose interests were inextricably tied to the state, under the pretense of administering the general welfare, became the new *de facto* ruling class. Domestically, it encouraged a massive centralization of

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power. Internationally, since, despite the still-born League of Nations and later a UN stalemated between two super-powers (and subsequently degraded to an inefficient tool of American foreign policy), there was no viable international law, it went on to pursue unabashedly imperialist objectives — first through direct political rule and, subsequently, by means of a more subtle economic domination. Whereas capitalism has long since gone multinational and could not care less about national borders, the new class of politicians, administrators, "experts," etc. is still inextricably tied to the nation as its power base. The "five-year plan" was not merely a Russian idiosyncrasy, but the essence of bureaucratic centralism. Centralization at home and expansion abroad remain its major goals. Nationalism and modernity are the ideological props of this new class.

After two immensely devastating world wars and almost half a century of a protracted Cold War — all brought about by the excesses of this nationalism and modernity — no meaningful lesson has been learned. Although international organizations such as the UN and the emergence of the US as the only superpower have provided a modicum of overall stability, the fundamental contradictions remain: domestically, between administrative centralization and growing disintegration; and, internationally, ever growing competition between these new class elites, even if now mostly by peaceful means. Practically every nation-state today is confronted with growing dissatisfaction with the ever-more-powerful central government. Scotland wants less and less to do with Great Britain, Lombardy and Veneto are exasperated with Rome and the Italian South, Catalonia and the Basque countries do not even want to speak Spanish any more, Chechnya has had all it can take of the Russians, Kurdistan seeks international recognition, Tibet wants the Chinese to leave them alone, and even in the US the various states are demanding more and more autonomy from the ever-intrusive Federal government by vindicating the primacy of the 10th Amendment to the US Constitution. In general, there are widespread demands for decentralization and substantial devolution of power in countries where predominant political relations are relatively stable and enjoy considerable legitimacy, and regionalist or even separatist movements in more precarious contexts where growing heterogeneity is not well managed or the so-called process of "nation-building" has been far from successful.

The growing political hegemony of the new managerial class throughout most of the 20th century — especially since the deployment of the welfare state on the pretense that it was essential to solve the problems of the Great Depression — helps explain why, e.g., the lessons of the Holocaust were not learned. The reconfiguration of the nation-state along decentralized lines more in keeping with, e.g., the original *ante-bellum* American federal model or the Swiss confederation, would have meant a substantial loss of power and an unbearable level of local control. This also helps explain why "the Jewish problem" not only was not resolved by effectively integrating Jews within heterogeneous contexts where they would have only been another minority in a society of minorities — what

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may be called "the Manhattan model" — but were encouraged to create their own version of the kind of ethnically homogeneous nation-state which almost brought about their extermination. Sure enough, the creation of the state of Israel immediately generated precisely the same contradictions responsible for the Holocaust — this time with the Palestinians as the victims. It is not surprising that Jews and Palestinians have been killing each other ever since, and will probably continue to do so until some other more appropriate political arrangement is found.

US foreign policy subscribes fully to such a nationalist model, especially since it also assumes that "modernization" will eventually render, or should render all ethnic particularities irrelevant, in a future Brave New World of rational abstract individuals concerned exclusively with economic matters and high levels of consumption. This is fully in line with domestic policy, predicated on an allegedly neutral proceduralism which, consequently, is beyond particularistic challenges. The result is the banishment of all particularity from public life, first and foremost religion, and the demonization of any deviation from "equality," its most fundamental value. In this sense, American foreign policy has been concerned primarily with exporting this model world-wide with the least possible cost, while simultaneously creating huge markets for its ever-expanding economy.

During the Cold War, with international attention riveted to nuclear confrontation and the possible annihilation of practically all life on earth, conflicts related to internal national disintegration tended to be regarded as relatively irrelevant, despite the fact that the catastrophes that took place in, e.g., Indonesia and Nigeria, were as severe as any that have taken place after 1989. As long as they could be contained and they did not upset the international balance of power, they were left to run their course. Within the new post-communist context, this policy of benign neglect has remained in place, punctuated only occasionally by, e.g., misguided efforts to forcibly Westernize Somalia through "nation-building," prevent Iraq from having any inordinate impact on oil prices, or continue quarantining Cuba to rust away in the Caribbean, pending Castro's demise and the restoration of the *status quo ante*. This is not a particularly distinguished policy, especially since it has also been characterized throughout by the usual bureaucratic incompetence, lack of any broad vision, and continuous interference from extraneous particularistic domestic concerns. When all is said and done, however, this is the nature of foreign policy everywhere. There is no higher benchmark against which it can be compared and condemned. France, Great Britain, Russia, etc. have fared as badly, if not considerably worse, throughout this period.

The Kosovo crisis is one the US and Nato have reluctantly backed into, but which they must resolve, not in order to fulfill broader imperialist objectives to expropriate whatever rocks may be worth stealing from the region, but to prevent the destabilization of the rest of Europe by the influx of hundreds of thousands of refugees, and protracted ethnic wars throughout the Balkans, eventually embroiling even Turkey and Greece. The US involvement is essentially by default: the result of the usual European inability to tie their own shoe-laces without American

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guidance. Had the European Union been able to act decisively and to exert any leadership, Clinton would have been more than glad to keep devoting his time to staining dresses and not inhaling, while devising ever more severe "hate-crime" laws to homogenize Americans into politically correct citizens. But European leaders consistently prove themselves to be utterly irresponsible and unwilling to do what is necessary to awaken Europe from the social-democratic slumber which paralyzes it economically, politically and intellectually.

The recent Ocalan crisis is paradigmatic of European cowardice and exemplifies the general inability to confront continental problems head on. Israel strikes a deal with Turkey, which in turn coerces Syria into chasing the Kurd leader — an ideological dinosaur still subscribing to Trotskyist fantasies — out of the country, searching for asylum anywhere in Europe. No one wants anything to do with him or his cause, since it involves exactly the same thorny issues of Kosovo: the fate of Kurds within a Turkish state not all that different from its Serb counterpart. Ocalan goes first to Russia, where he is advised to leave for Italy, where D'Alema has enough domestic problems, so he tries to have him extradited to Germany, which has an arrest warrant out for him. But Schröder is too busy containing Lafontaine and figuring out what to do with a sluggish economy. There is no time for either Kurdistan or Kosovo. At any rate, there is no suitable European court to try Ocalan and thus provide him with a forum in which to raise the issue of Kurdistan and the disintegration of impossible nation-states such as Turkey and Yugoslavia. Ocalan leaves Italy looking for the kind of political asylum he would ordinarily be entitled to, but which no one is willing to grant him in order not to threaten existing trade relations with Turkey. He is finally caught with the help of American intelligence, and returned to Turkey, to be tried as a terrorist and probably become a martyr to inspire future generations of Kurdistan freedom-fighters/terrorists in an increasingly unstable Turkey.

As during the Rambouillet negotiations, here too US foreign policy was to safeguard the existing system of nation-states at any costs — especially since upsetting Turkey could have jeopardized the use of American bases there, from which to keep on pounding Iraq into an unlikely submission. Despite the fact that, given the events of the past decade, a Kosovo under outright Serb domination has become increasingly impossible, the official US position, up to the last moment, was to acknowledge Serb sovereignty over the region, even while insisting on demanding the presence of NATO troops there to prevent any further massacres. Unfortunately, events have not unfolded as expected. Hoping that history would repeat itself, there was an attempt to try the Bosnia option of dropping a few bombs as negotiating chips, which Miselovic had fully prepared for, to use as an excuse to unleash a final ethnic cleansing solution in Kosovo. Now what? Unfortunately, there are no options other than sending in the Marines, throw the Serb troops out of Kosovo, and recycle the Kuwait scenario — hopefully without having to quarantine Serbia indefinitely or having to do the same in Montenegro.

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What is at stake at this point is the credibility of NATO and of US power. Upholding the latter and, *ipso facto*, the "New World Order," is a much more important US foreign policy objective than even defending the geopolitical *status quo*.

"Europeans Want Peace!" That, unfortunately, is not an option. It is either NATO throwing the Serbs out of Kosovo, or the Serbs throwing the Kosovars out of Kosovo. *Tertium non datur*. The two options are not equivalent, since the second one entails burdening European neighbors with hundreds of thousands of refugees whose lives are forever disrupted, and irreversibly destabilizing those same geopolitical relations no major power seems interested in altering. One can go on articulating the root causes of the crisis, but that does not and cannot have any immediate impact. The problem of the disintegration of the nation-state is not likely to be resolved any time soon. There are no obvious working alternatives to existing political institutions, besides a few scattered example from times past, which do not require years to develop and implement. At any rate, the sudden marginalization of US world hegemony at this point — even if there was any possibility of it happening — would create many more problems than it would solve. Obviously, it is always wise for people to mind their own business. But what happens when one's neighbor commits atrocities and threatens the neighborhood's stability? Does one sign pious petitions calling for peace, while a region's entire population is ethnically cleansed? After WWII, after the discovery of the camps, many people asked themselves how they could have let that happen and swore not to make the same mistake again. Unfortunately, given predominant geopolitical realities, too many times it has been impossible to do anything about it. For once, in the case of Kosovo, NATO and American *Realpolitik* happen to coincide with the concerns of those who want particular communities, be they Jews, Muslims, Christians, or mere rootless cosmopolitans trying to figure out how to live together among radically different people to be left alone. Should they sit back and condemn the intervention on the grounds that the US and NATO may have ulterior motives or that the perpetrators of atrocities may be hurt in the process? No one wants war, but sometimes the costs of trying to avoid war are much higher and ultimately do not really prevent war anyway.

Anti-War Anti-Americanism?

Paul Gottfried

The US intervention against Serb forces in Kosovo has occasioned surprisingly little domestic protest. Though 43% of Americans polled at the outset opposed American bombing of Serb military sites, five days later 53% were in

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favor of dispatching American land forces to occupy Kosovo. Such a response is understandable, given the media's steady, effusive call for expanding US military presence and for holding war crimes trials for Milosevic and at least nine Serb commanders. Since Republican Congressmen began to go after Clinton's sexual escapades, TV pundits have been praising him nonstop as a great leader "with some moral flaw." His military rhetoric and selective intervention for Muslim victims of human rights violations have caused Peter Jennings and Tom Brokaw to go from merely praising the administration to manic tributes to presidential leadership. The US military, now consisting, as emphasized by TV, of women and scads of minority members, is giving expression in the Balkans to all good things exalted by the president and by other fashionable "liberals," from multi-ethnicity and human rights to the globalist justice of the Nuremberg Trials.

It has been often noted that the Vietnam era peaceniks have become the Balkans' war hawks. The converse is equally true and equally unsettling. The old anti-communist Right wants no part of this intervention, and even inveterate Serb-haters (who habitually saw Serbs as wedded to Soviet Russia) are discovering the uses of Milosevic, as a counterpoint to Clinton and the American liberal establishment. The pull of this *renversement des alliances* is almost irresistible. Despite the fact that three of my uncles spent WWI in the Austrian army fighting the Serbs, I have recently moved away from my Habsburg sympathies, and toward a grudging respect for Serbs, as the enemies of what I despise in my own country. I am bothered by the lack of evenhandedness shown by the left-liberal advocates of Albanian Muslims who have consistently ignored the mass murder of Christians committed by Muslims in the Sudan and elsewhere. Needless to say, such inspired preachers conveniently disregard the facts that the Kosovars are being aided by Hamas and other Muslim terrorists. Armed Albanians have conspicuously practiced ethnic cleansing against Serbs as well as *vice versa*.

As someone with multiple reservations about the American military intervention and boundless contempt for the current chief executive, I cannot say that my views on these subjects are entirely dispassionate. I fear that our bombing and probable invasion will have long-term harmful effects. Most ominously, they will strengthen the hold of the American central state, particularly in the area of reconstructing moral consciousness. On April 7, the President, in an extended defense of his Hate Crimes Prevention Act, cited "the violence we see in Kosovo" as a reason for added penalties for "crimes based on the victim's sexual orientation, gender, or disability." The bill advocated by Clinton would provide the Justice Department with new powers to prosecute such cases and would authorize the Education Department to combat "hate problems" on college campuses.

While it is possible that this impending crackdown on ideological opposition would occur without the current military crusade, the two reinforce each other. Global crusading for multiethnic societies, capped by show trials against human rights violators, can be made to justify the intrusive social policies being advanced domestically. That this war has turned NATO from a defensive into an

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offensive alliance, that the US, having plunged into a Balkan cauldron, has no real exit strategy, and that Clinton continues to elude popular censure, while behaving stupidly as well as immorally, are all further reasons for feeling unhappy about our latest human rights campaign waged on foreign soil.

Malgré tout, I am offended by the anti-war manifesto issued by the European New Right. Anti-Americanism has become its staple. The Champetier-Benoist petition, already signed by Marco Tarchi, Jean Raspail, Alexandre Zinoviev and other celebrated intellectuals of the European New Right, incorrectly designates the Balkan conflict as an "American War" and warns against "American strategies for dividing Europe." The conflict raging in Yugoslavia is a Balkan bloodbath into which the US stepped, unwisely in my opinion. But it did not create the aggression on all sides, which has been going on for some time among the indigenous inhabitants. In a similar way, one can criticize American intervention in WWI (which was reckless and encouraged the suppression of American constitutional freedoms). But Americans did not start that war (Europeans did); nor did we produce most of the casualties caused by that catastrophe.

It is, furthermore, doubtful that the American government has intervened militarily in the Balkans to divide up Europe. If the signatories do have evidence to demonstrate the contrary, they do not include it in their anti-American effusions. Allow me to cite my own considerable credentials as a critic of the managerial tyranny into which our constitutional republic has descended in this century. No one in the US has been more critical of the current central state than I, and my criticisms have resulted in my professional and social isolation. Nonetheless, there is a difference between reasoned criticism and riding a hobby horse. The signatories rallied by Mr. Champetier *enfourchent le même vieux dada sans rien démontrer*.

One might have hoped for more from this distinguished company. Instead of blaming the US, they should vent their anger on the politically correct scarecrows who have been put in charge of their countries. Not one of these parliamentary or executive heads gives even the shadow of an impression of leadership or rises even to the minimal level of resolution found in our glaringly defective president. Social democratic exemplifications of Nietzsche's "Last Man," these human residues of a decadent Europe are neither willing nor able to control their borders, let alone to take action over what goes on outside of them on the same continent. Europeans have done this to themselves. Do not blame us for your "anti-fascist," i.e., gutless, leaders and lack of collective will, in the Balkans or anywhere else!

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Humanitarian Intervention?

Gabor Rittersporn

About the time of the American disaster in Vietnam, Western governments embarked on an ambitious policy to promote the triumph of human rights all over the world. A genuine humanitarian catastrophe was in the making at the time on Cyprus, which is almost as large as Kosovo, where a ferocious ethnic cleansing took place. But it did not stir up great trouble. The TV screens were full of the Great Nixon Spectacle, the brutalities were committed under the protection of a member state of NATO and in a country whose leadership was trying to take a middle course between the West and what used to be the Soviet Union.

The Vietnam War amounted to a humanitarian calamity and it took a heavy toll in South-East Asia in terms of humanitarian catastrophes. It would be long to enumerate them. But one is worth mentioning: the takeover by the Khmer Rouge in Cambodia and the ensuing mass murder. There was no shortage of angry reactions this time. Still, when Vietnamese occupation put an end to the atrocities, the West loudly protested against the violation of a state's territorial integrity and sovereignty. What is more, the Khmer Rouge received international recognition and its representatives received red carpet treatment in the major capitals of the world. When a couple of old leftovers of the Khmer Rouge establishment reemerged from the jungles twenty years later, humanitarian issues were suddenly remembered in the same capitals that recommended putting on trial their former allies.

It would be tempting to speculate that a significant advance occurred in Western sensibilities and political practices in the course of those twenty years. At first sight, the West's military response to Serb atrocities in Kosovo lends credibility to this hypothesis. Nevertheless, it is far from simple to account for the whys and wherefores of this abrupt change — if we are witnessing anything like that. After all, a few years ago, when cruel conflicts in Bosnia became a major preoccupation, the West not only did not lift a finger to prevent Russian crimes in the Caucasus, but even took pains to finance them by pumping enormous sums to support what Western statesmen mistook for reform policies in Russia. Similarly, the West did not care about a multitude of more or less brutal ethnic cleansings on the territories of the former Soviet Union, most notably in Azerbaidzhan where the Azeris possess the great advantage to sit on impressive oil reserves, whereas their Armenian victims have scarcely more than their wild mountains.

The hypothesis of a disinterested humanitarian motivation is untenable, however appalling the large-scale use of violence by Serbs to drive out defenseless people from their homes in Kosovo. When all is said and done, Western indignation at the violation of human rights is no less selective than in the past. There is no reason to understand current Western policies in the Balkans as the

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promising start of an era when the interests of the weak are going to be selflessly defended by the best and the brightest. On the contrary, there are grounds to fear that there is a major danger in the practice to decree which people are and which are not entitled to enjoy supposedly universal human rights, and to apply military force to assist some populations, all the while ignoring the ordeal of the others.

The danger does not lie in the arbitrary appeal to high principles: we have become accustomed to it. The threat lies in the arbitrary resort to force by those who feel capable of deciding who is entitled to rights and who is not, and in the conflicts it is likely to provoke anywhere in the world.

Whether we liked it or not, we used to live under the protection of states and, above all, in a system of states functioning in a more or less predictable manner, until quite recently. A guarantee for this predictability lay in clearly defined rules, whose reasonably consistent application provided for a relatively stable world order for half a century. The new tendency to unleash violence in the name of selectively upheld and yet theoretically universal principles sounds the death knell of this order. Nothing can ensure the security of any state or any population when those who can afford the luxury to clamp down on them may act without restraint, and even justify themselves by invoking high ideals whose violation they nonetheless tolerate when they deem this advantageous.

Moreover, no one can sleep quietly after having realized the disaster Western intervention in Kosovo has led to. Instead of preventing a catastrophe, the use of Western military force only exacerbated Serb atrocities and provoked the death and expulsion of incomparably larger masses of people than the whole conflict up to the moment of humanitarian help through air strikes. It is possible that Western strategists were unable to foresee this outcome. In this case, we have to accustom ourselves to the idea that we happen to be hostages of an inept politico-military bureaucracy that is unable to anticipate even the immediate outcome of its moves, and this does not really bode well for us in the event of future humanitarian adventures.

But it cannot be ruled out, after all, that this bureaucracy is much less inept than it appears, and that it was prepared for everything that has resulted from the intervention. In this case, however, the lofty principles of human rights and our security are at the mercy of an establishment ready to sacrifice thousands of lives and hundreds of thousands of existences for the sake of making show of its magnanimous devotedness to ideals it is sometimes inclined to live up to and sometimes not. And this is only the beginning: the show is going on.

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Judicial Hubris and the Constitutional Revolution

Morton J. Horwitz, *The Warren Court and the Pursuit of Justice* (New York: Hill and Wang, 1998), 132 pp.

Earl Warren, former Governor of California and vice presidential candidate in 1948 on the Republican ticket headed by Thomas E. Dewey, was appointed Chief Justice of the Supreme Court by President Eisenhower in 1953 and remained in office until 1969. In return for Warren's support at the 1952 Republican Convention, Eisenhower promised that, if elected, he would name Warren to the first Supreme Court vacancy. To Eisenhower's dismay, within a year it was the position of Chief Justice that became available, and Eisenhower was prevailed upon to make the appointment.

As Horwitz, a Harvard professor of legal history, points out, the Warren Court worked a "progressive constitutional revolution." (xi) It fundamentally changed the nature and quality of American society by, among other things, prohibiting state-sponsored prayer in public schools, disallowing most restrictions on pornography, and vastly expanding the rights of the criminally accused. In his book, a brief synopsis of a course taught to Harvard undergraduates, Horwitz celebrates and records his unqualified approval of that revolution.

The Court Warren included Justices Hugo L. Black and William O. Douglas, two of the most liberal judicial activists in the Court's history, appointed over two decades earlier to save President Franklin Roosevelt's New Deal. Two years later, seeking to gain a temporary political advantage, Eisenhower appointed an Irish Catholic, William J. Brennan, Jr., who proved to be as or more activist than Black and Douglas. The result was a solid core of four votes, needing to pick up only one more in any case to work a constitutional change. With President Kennedy's appointment of Arthur J. Goldberg to the Court in 1962, reliably providing the critical fifth vote, the "progressive constitutional revolution" was fully underway. It is hardly an exaggeration to say that, although it may not have always won on the first try, in the Warren Court the ACLU never lost on any issue concerning public policy. The ACLU either obtained a policy decision unobtainable through the ordinary political process, because opposed by a majority of the American people, or it was left

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where it was to try again another day. Thus, it took three tries to get the Court to invalidate Connecticut's anti-contraception law in *Griswold v. Connecticut* (1965).

For Horwitz, the glory of the Warren Court lies in the fact that it consistently invalidated policy choices made in the ordinary political process in order to substitute choices favored by the liberal elite. Horwitz is a prominent member of the Critical Legal Studies school that, although now apparently in recession, put the Harvard Law School through a period of turmoil for several years. It is not surprising, therefore, that he sees history in terms of class struggle, and reserves his strongest praise for the Warren Court's dismantling of anti-Communist legislation. According to Horwitz, earlier Courts put their authority "behind the owners of property, whether of slave, corporate, or landed property" (xi). The Warren Court came to the aid of "the weak and the powerless, the marginal and the socially scorned." (xii) It did this by, for example, holding that the federal government could not refuse to hire Communist Party members even for employment in defense plants.

For Horwitz, there were only "so-called" Communist front organizations, Communists were only "imagined enemies" (54), the Communist Party was a victim of "special persecution" (64), and anti-Communist concern was the result of "paranoia" (22) and "hysteria" (53, 54). Alger Hiss was convicted of perjury in denying espionage, but only on the evidence, Horwitz points out, of "an admitted ex-Communist, Whittaker Chambers," and "Hiss himself always maintained that he was framed" (55). The conviction of the Rosenbergs for delivering atomic secrets to the Soviets was on the basis of "an accusation apparently without scientific merit" (56). Recent studies, such as Harvey Klehr's and John Earl Haynes' (*The Secret World of American Communism,* 1995), showing that the Communist threat was real, are simply ignored. For Horwitz, apparently, some beliefs are too fundamental to be disturbed by facts. Harvard undergraduates "have flocked" to his course, Horwitz writes, "in search of authentic beacons of political enlightenment." What they get instead is a counter-factual view of the Warren Court era and a very one-sided appraisal of that Court's decisions.

There is much in the book that is questionable or in need of qualification. For example, Horwitz repeats the conventional, but dubious claim that pre-Warren Courts "failed to realize the promise of the Civil War amendments." In fact, the Court read the Fourteenth Amendment extremely generously in *Strauder v. West Virginia* (1880), one of its earliest

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and most important decisions under the amendment on a race issue. The Court reversed the conviction of a black defendant on the ground that blacks were excluded from jury service. The constitutional basis for this decision is still difficult to understand. The question of the right of blacks to serve on juries was not, it would seem, before the Court — the defendant was not a disappointed would-be juror — and the Fourteenth Amendment, in any event, was not intended to grant that right any more than it granted the right to vote. It appears that the Court merely seized upon its power to reverse criminal convictions as a means of forcing states to end discriminatory practices of which it disapproved, whether or not prohibited by the Fourteenth Amendment.

According to Horwitz, the Court's refusal to invalidate segregation under the Fourteenth Amendment in *Plessy v. Ferguson* in 1896 was a "capitulation to Jim Crow laws." But that decision can be defended as an interpretation of the amendment in accord with its intended meaning and the understanding of Congress and the nation at the time. Supreme Court decisions are rarely clearly wrong when they merely permit political choices to stand. The problem is less that the Court was niggardly in its interpretation of the Civil War amendments than that "the promise" of those amendments was, unfortunately, much less than one today might wish. Similarly, it is misleading to say, without qualification, that after *Brown v. Board of Education* there was "a decade of disobedience by southern whites to judicial desegregation decrees" (39). The fact is that the Court explicitly refused to require compliance either immediately or within any definite time frame, ruling instead that segregation was to end only "as soon as practicable" and with "all deliberate speed." In the view of the deep South, that time had not come in the decade after the *Brown* decision, and the Court did not rule otherwise. There was little occasion to disobey judicial desegregation decrees in the deep South at that time, because there were very few such decrees.

Horwitz is not merely misleading, but positively perverse on the subject of race. The latter has always been used as a liberal club with which to beat up on America, and it is essential for this purpose that the situation of blacks be seen not as improving, but only as becoming increasingly hopeless. Thus, Horwitz reviews the "chilling" history of lynching in the U.S. from 1892 to 1968: 4,743 people lynched, 73% in the South and 73% black. In the 1940s however, there were, he notes, "only 31 reported lynchings of blacks, and, beginning in the 1950s, most years reported no lynchings" (18). One might consider the end of the era of

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lynching an unqualified positive development, something to be applauded and celebrated, but not Horwitz. For him, the end of lynching might, on the contrary, "represent the successful institutionalization of racial domination, making brutal extralegal violence gradually less necessary." The end of lynching might show, surprisingly enough, that things have actually gotten worse.

The *Brown v. Board of Education* decision caused the Court to be hailed, Horwitz notes, as "the conscience of the nation." Indeed, it seemed to demonstrate, at least for many liberal academics, the superiority of policy-making by electorally unaccountable judges over policy-making by elected representatives. Faithful to the Critical Legal Studies slogan that "all law is politics," Horwitz believes that "constitutional principles, like all legal principles, are inevitably created by judges in accordance with their conceptions of moral values and social needs" (29). Horwitz does not discuss why the justices' concepts of moral values and social needs should prevail over the frequently conflicting values of a majority of their fellow citizens.

It apparently does not strike Horwitz as odd that lawyers, rightly derided as persons whose only professional skill is the manipulation of language in the interest of evading the truth, should be looked upon for moral leadership and social policy expertise when donning a black robe. A Court powerful enough to prohibit segregation by law in *Brown v. Board of Education* proved powerful enough to move on to the much more questionable and ambitious project of ordering busing for school racial balance, the result of which has been disastrous for urban public school systems and cities in general. The Warren Court, so admired by Horwitz, was extraordinarily willing to abuse its judicial power and act less as a court than a legislature or constitutional convention. The result was that a system of self-government by elected representatives, with most issues of social policy decided on a state-by-state basis, was replaced by a system of government by judges, unelected and holding office for life, making policy for the nation as a whole from Washington, D.C. Horwitz deals with the problem of justifying government by judges by simply defining it away. "It is important to understand," he writes, "that the Warren court did not regard constitutional rights as in conflict with democracy but rather as constitutive of democracy," (80) and that "the Court's focus on the centrality of minority rights redefined democracy itself." (81).

What the Warren Court actually did was to frustrate democracy (as well as federalism and separation of powers) by taking away from the

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people of each state the right to decide such policy issues as abortion, capital punishment, criminal procedure, prayer in the schools, government aid to religious schools, regulation of pornography, neighborhood schools, and single-sex schools. For the Court to create "minority rights" (for example, new rights for criminal defendants) that the people themselves did not create in the Constitution is not to advance, but to override democracy. It would also be difficult to say what "minority rights" the Court protected by disallowing a state anti-contraception law (and, later, restrictions on abortion) or restrictions on the distribution of pornography.

The jurisprudential sophistication Horwitz displays in redefining judicial policy-making as democracy is less evident in his discussion of particular cases. In *Shapiro v. Thompson*, for example, the Court held, in an opinion by Justice Brennan, that it was unconstitutional for the states to make a minimum period of residency a requirement for the receipt of welfare benefits. Residency requirements were struck down, Horwitz claims, "only because [they] abridged the fundamental constitutional right to travel." Of course, there is no such "fundamental right" in the Constitution. The reason residency requirements for welfare benefits were struck down was simply that Warren Court liberals were strongly in favor of welfare. As far as the Warren Court is concerned, the claim that "law is politics" is clearly correct.

Horwitz is a proponent of the "living Constitution," according to which its meaning changes from time to time, which is to say that it means whatever a majority of current Supreme Court justices say it means. Like his hero Justice Brennan, he finds "a strictly originalist theory of constitutional interpretation . . . inadequa[te] for adjudicating twentieth-century constitutional issues." (87) His reasons are the same as those Justice Brennan offered in a famous speech: first, there is no way to know what the Constitution was really intended to mean, because "that intention could never be completely accessible to judges, or even historians, two centuries later" (87). Second, the Framers' and ratifiers' intention, even if knowable, may be simply irrelevant because "it is not clear that that intention should necessarily govern constitutional interpretation in the late twentieth-century, a profoundly different time and society from that of the Framers" (87).

These arguments are clearly invalid.[1] First, we usually know all we need to know, that the Constitution does not prohibit the challenged policy

1. See Lino A. Graglia, "How the Constitution Disappeared," in *Commentary* (February 1986), p. 19.

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choices. Thus, it does not restrain the choice of a state to restrict the practice of abortion. Further, if it is unclear whether the Constitution prohibits a particular policy choice, the only conclusion should be that it is not prohibited, that the issue is to be left, as is to be expected where democratic government is the norm, to the ordinary political process. Second, the argument that the intentions of the Framers, from "a different time and society," should no longer be authoritative on current policy issues is an argument against constitutionalism — against placing restraints on policy choices — not an argument for permitting judges to create a new constitution. As Bishop Hoadly pointed out long ago: "Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is truly the lawgiver, to all intents and purposes, and not the person who first spoke or wrote them."

If government by philosopher kings is unacceptable, how can government by lawyer kings be any better? There was a time when judicial policy-making was bitterly opposed by liberals. It is favored by Horwitz and other liberal academics today only because, with the Warren Court, it came to mean and continues to mean enactment of the liberal agenda. For those who see law as politics, that is all that matters: government without the consent of the governed is justifiable as long as it produces "correct" results. To those who believe that centralized government by judges is not an improvement on representative self-government in a federalist system, however, the Warren Court's usurpation of legislative power, no matter how much one may approve of particular policy choices, leads away from the constitutional system of government that has been the basis of the success of the United States.

Lino A. Graglia

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The Canadian Predicament

Kenneth McDonald, *The Monstrous Trick* (Toronto: APEC [Association for the Preservation of English in Canada] Books Ltd., 1998), 186 pp.

Kenneth McDonald's short book reconstructs the process whereby Canadian Prime Ministers Lester Pearson (1963-1968) and Pierre Elliott Trudeau (1968-1984, except for a few months in 1979-1980), were able to transform the Canadian federation into a centralized, bureaucratic state. Prior to this transformation, Canada had functioned as a federal state, i.e., there were a few but important number of areas (notably defence) under the jurisdiction of the federal government, while "the division of powers delivered . . . control over local affairs to the localities themselves." This federalism "enabled Quebec to practice within the province its civil code tradition of centralized authority and the use of French" (p. 1). According to McDonald, Canada's problems of the last thirty or so years stem from a two-pronged assault on English Canada by the defenders of this French tradition. There was a radical Quebec faction, led by Trudeau, that infiltrated the federal government, transforming it in a hyper-statist direction. Their main objectives were the bilingualizing of the civil service (which effectively meant immense opportunities for Francophones), and the institutionalization of multiculturalism (which undermined English Canada's sense of identity).

The capstone of these efforts was the Charter of Rights and Freedoms (1982), which has been characterized by both its advocates and opponents as a *coup d'état*. McDonald sees the Charter as a triumph of the "French" top-down, "positive rights" approach which defined the country in terms of "disadvantaged groups" seeking redress through litigation. This is contraposed to the classical liberal concept of "negative rights" (i.e., anything not specifically forbidden is allowed). The Charter of Rights and Freedoms (and the regime predicated on it) is buttressed by laws against "hate propaganda." McDonald notes that these inhibit public debate, as almost any statements can be interpreted as "hateful" by the politically-correct.[1]

The other assault against English Canada was by Quebec's increasingly powerful separatist movement. Although McDonald acknowledges that Trudeau

1. For example, the Reform Party's original policy on immigration, which claimed that immigration should follow the current ethnic mix, is seen as symptomatic of racism. Similarly, it has become illegitimate to argue publicly that immigration should not change the current Canadian ethnic composition. It is also politically-incorrect to point out that current-day immigration to Canada is drastically changing the country's ethnic character, unless as part of a celebration of "diversity" as one of Canada's "greatest strengths."

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hated the Quebec separatists, he believes that the "federalists" and "separatists" in Quebec are actually engaged in a "phony war," whose main purpose is the advance of French Canadian power in Canada. Yet, the assumption that, were it not for Quebec, everything would be normal in the other three-quarters' of Canada, is questionable. The strength of McDonald's book lies not in its main thesis concerning the dangers of Quebec's centralism, but in its incisive descriptions of the impact of the managerial-therapeutic regime, centered on (but by no means confined to) the federal government.

McDonald is right in focusing on the role of the Charter of Rights and Freedoms in the evolution of a postmodern Canada and on "how the Charter entrenches the growth of the state." Yet, the Canadian state is not a traditional one, but a bureaucratic and special-interest congeries of the managerial-therapeutic regime. In Chapter 3, "Civil Order Threatened," McDonald describes the power of unions in Canada, but this is only part of a wider corporate structure. Large corporations in Canada are often opposed to free-enterprise; they structure their activities around receiving the status of quasi-monopolies and subsidies from various levels of government. They are also among the largest donors and most enthusiastic supporters of the federal Liberal Party, whose cozy relation with the most "blue-chip firms" is legendary. In "A New Look at Taxes" (Chapter 4), McDonald proposes the abolition of all taxes, except a flat-tax of 15%-18% on both individual income and gross corporate earnings. Corporate heads, however, may not be altogether happy with such a prospect. Today, they are comfortable with using various tax loopholes and creative accounting to pay almost no taxes.

Chapter 5, "Effect on Canada's Armed Forces of French Canadian Indifference to Defence Matters" identifies the crisis in Canada's armed forces, but exaggerates in blaming it almost entirely on Quebec. The proposed partition of Quebec after its separation (reducing it to a rump on the north shore of the St. Lawrence river) is almost surreal. Were it seriously attempted, it would almost certainly lead to civil war. People in the throes of revolution, are capable of assembling large militias and the Van Doos (the main French-Canadian regiment) would simply become the officers' cadre of a huge "people's militia" opposing any "partitioning of Quebec."

The "Effect of Quebec's Secession upon the Armed Forces" (Chapter 6) would be probably salutary — provided a clean break was achieved, without any "partition of Quebec." The following three chapters outline the main problems with the Canadian military. McDonald describes the liberalizing impact of the Charter on the military; points out how Canada has lost numerous military aerospace industry opportunities (not just the Avro Arrow), because of government stupidity and hostility; and defends the WWII Canadian bomber crews, who had been subjected to unwarranted criticism by a CBC (Canadian Broadcasting Corporation) "docudrama." He also discusses the October 1970 Quebec crisis and

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the circumstances under which calling out the military may be appropriate in a democratic society. He notes the irony that the radical, military-hating Trudeau had to reach for the military, but that was probably because he was desperate to maintain his federal revolution against the FLQ Quebec separatists. In Chapter 9, dealing with the Somalia incidents, McDonald provides "the other side" of the story concerning the murder of two Somali civilians trespassing at the Canadian camp in Belet Huen. The Canadian peacekeeping mission was a virtual nightmare in one of Third World's worst hellholes. The natives' stealing from the Canadian camp was a constant problem. The disbanding of Canada's elite army unit, the Canadian Airborne Regiment, after these and other brutal hazing incidents further dispirited the Canadian military.

McDonald also discusses the undermining of British traditions in Canada, while presenting "The Tempting Alternative," which is to let Quebec go, and attempt to make Canada work as a federation once again. Here he exaggerates the role of French Quebec in undermining English Canada — only one factor among many, and maybe not even the most important. On the whole, there is a little too much harping on French centralism and on the plight of Anglophones in Quebec. In an attempt to portray a "good," "conservative," "individualist" English Canada, and a "bad," "radical," "centralizing" French Canada, McDonald overemphasizes English-speaking "individualism" and French "centralism." Unfortunately, in the book there is no mention of George Grant's *Lament for a Nation: The Defeat of Canadian Nationalism* (1965) — a work which described the destruction of English Canada over a generation ago. According to Grant, this destruction has been carried out by the Americanization of English Canada. During this Americanization, Canada borrowed the most "progressive" parts of the US tradition, e.g., a "bill of rights" mentality, without picking up the countervailing classical liberalism which after 1965 made the US much more conservative than Canada.

McDonald hopes that his program will be supported by a majority of English Canadians. Yet, there are strong, liberal traditions in English Canada, that militate against any traditionalist rebirth, however much such a project is phrased in individualist, anti-statist, and "anti-paternalistic" language. Canada has had conservative or Tory-oriented traditions (John A. Macdonald's National Policy; R. B. Bennett's attempt to end the Depression by virtually dictatorial means; John Diefenbaker's resistance to US nuclear weapons, etc.). Yet, it is a mistake to equate Red Toryism, used as a catch-all term for social-democratic "moderation," as practised by today's federal Progressive Conservative party leaders, with the philosophical Red Toryism of a George Grant.

Today the opposition in Canada is in disarray. On February 19-21, 1999, there was a major "United Alternative" conference in Ottawa, which sought to unite the various enemies of the Liberal Party into a broad-based coalition. Preston Manning, whose Reform Party had originally refused to run candidates in Quebec, was actually trying to bring Quebecker "soft-sovereigntists" into his

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coalition. There was some talk of a "confederal" party running in the next election against the Liberals — Reform in Western Canada; Progressive Conservatives in Ontario and the Maritimes; and the Bloc Quebecois (or some faction thereof), in Quebec.[2]

However, Joe Clark, the leader of the federal Progressive Conservatives (briefly Prime Minister in 1979-1980), replayed his perennial role as a "spoiler" of possibly successful right-wing initiatives in Canada, by refusing to have anything to do with the United Alternative and by organizing his own, so-called "Canadian Alternative." The standard line-up in Canadian politics is simply Liberal, NDP (New Democratic Party — Canada's social democrats) and "Red Tory." All the Liberals need to do is to encourage the split between Reform and the Progressive Conservatives to assure themselves virtually uninterrupted power in the 21st century. Throughout most of the 20th century, Liberals were "the party of government" because of their Quebec base, a significant minority of seats from English Canada, the immigrant vote (which became increasingly important after 1965), and the support of the federal NDP when there were minority-government situations in the federal Parliament. In the 21st century, the formula will be playing on the divisions between Reform and the Progressive Conservatives to allow the liberals to seize virtually all of the seats in Ontario. The Liberals and most of the Canadian media seek to maintain the federal Progressive Conservatives on virtual life-support. Most traditionalists have long sinse abandoned the federal Progressive Conservative Party. However, at the provincial levels in Ontario (Mike Harris); Alberta (Ralph Klein); and Manitoba (Gary Filmon), there is a *de facto* alliance of the Reform Party (which officially exists solely at the federal level), with the provincial Progressive Conservative Parties.

At the United Alternative conference, the delegates decided to create a new party, which would hopefully bring together Reformers, Progressive Conservatives and possibly others disenchanted with the Liberal Party hegemony, into a coalition that could seriously contest the next federal election. Associated with the move to a new party, already dubbed "Reform-Lite," would be the attempt to

2. It is unlikely that Stockwell Day, the Alberta Treasurer with immensely more charisma and media-savvyness than the Reform Party's founder and leader, Preston Manning, may run for the leadership of the new party and prefigure a traditionalist turn. While Day is probably the most prominent successful Canadian politician who does not eschew social conservatism in favor of the "permissible" and conventionally winning strategy of "fiscal conservatism," he is already being labelled an "extremist." At any rate, the Liberal Party and its Finance Minister, Paul Martin, Jr. have already coopted "fiscal conservatism" — even though Martin has achieved his fiscal successes mostly through the increasing revenues of the Federal government, owing to the GST (Goods and Services Tax — Canada's VAT), and changes to the rules for UI (Unemployment Insurance, now re-dubbed Employment Insurance — EI), and the CPP (Canadian Pension Plan). Actually, Martin really did not cut all that much, except for the healthcare transfers to the provinces (for which he managed to shift the blame onto the provincial Premiers), and the huge cuts to the (already impoverished) military, which has few supporters and no established lobby in Canada.

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broaden the base of the new movement through an even more "moderate" and centrist policy-outlook. Reform Party policy, of course, already constitutes a pretty thin gruel for traditionalists. From a traditionalist perspective, it is difficult to have much optimism about Canada. Traditionalism in Canada is having the very life squeezed out of it. The country bleeds from a thousand wounds. Today's Canada is a state-entity at the furthest possible remove from having a sense of country, place, community, family, and religion. Any traditionalist electoral successes will have to face the further test not only of an almost unremittingly hostile media, but also of a judiciary, which is liberalism's last line of defense when threatened with electoral defeat. Today Canada can probably serve as the world's paradigm of what a regnant liberalism, unalloyed by any classical liberal or traditionalist elements, can do to a given society.

Today Canada is probably the most "progressive," post-modern society on Earth. Its liberalism is well entrenched, particularly in large megapolitan centers (Toronto, Vancouver), in the media, the academy, all cultural and educational institutions and industries, the large corporations and banks, and, of course, in government (especially in Ottawa). This New Class ideology has been passed onto the younger generations. Now it is rare to find anyone of any age-group or ethnicity in English Canada who rejects it *tout court*. It is disingenuous to think that Quebec is Canada's main problem today. Rather than merely condemning Quebec, English-speaking Canadians should consider possible alliances with Quebecker nationalists. In fact, Quebecker nationalist leaders, in their sometimes ferocious attachment to their rooted particularity, may be Canada's last traditionalists. This has been noticed by Canada's liberal elites, who are now beating the wardrums against "tribal, racist, anti-Semitic" Quebec. The defenders of English Canada should resist being instrumentalized as footsoldiers in the liberal war against Quebec.

Mark Wegierski

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